

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1202154-0

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 12/28/73	INVESTIGATIVE PERIOD 12/3/73 - 12/28/73
TITLE OF CASE DENNIS JAMES BANKS, aka Dennis J. Banks		REPORT MADE BY SA [REDACTED]	TYPED BY wk [REDACTED] b6 b7C
		CHARACTER OF CASE CIR - BURGLARY, LARCENY & ARSON; ARL - IFO; AFO; CONSPIRACY; OBSTRUCTION OF MOTOR VEHICLE INVOLVED IN INTERSTATE COMMERCE; UNLAWFUL POSSESSION OF FIREARMS	

REFERENCES

Prosecutive summary report of [REDACTED] dated 11/22/73; letter to Mr. [REDACTED] from WILLIAM F. CLAYTON, USA, Sioux Falls, SD, dated 12/3/73; letter to Mr. [REDACTED] from WILLIAM F. CLAYTON, USA, dated 12/4/73; letter to Mr. [REDACTED] from AUSA [REDACTED] Sioux Falls, SD, dated 12/5/73; telephone call to SA [REDACTED] from AUSA R. D. HURD, Sioux Falls, SD, on 12/10/73; requests [REDACTED] from AUSA [REDACTED] HURD, Sioux Falls, SD, on 12/18/73; [REDACTED] to SA [REDACTED] from AUSA HURD on 12/19/73; and request of AUSA [REDACTED] to SA [REDACTED] on 12/19/73.

b6
b7C

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED _____ SPECIAL AGENT IN CHARGE

COPIES MADE:

1 - U. S. Attorney,
Sioux Falls, South Dakota
Minneapolis (70-6864)
[REDACTED] (2) - 70-6882)
(1 - 70-6832-Sub P)

DO NOT WRITE IN SPACES BELOW

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Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

70-6882-726

A
COVER

MP 70-6864

ADMINISTRATIVE

This report contains the results of and the answers to specific requests made by the U. S. Attorney's Office, Sioux Falls, South Dakota, to the Minneapolis Division of the FBI. The purpose of this report is to consolidate the answers to these requests in one location. Assistant U. S. Attorneys (AUSAs) R. D. HURD and [redacted] specifically requested this information for the purpose of the forthcoming leadership trials for the American Indian Movement (AIM) leaders DENNIS JAMES BANKS and RUSSELL CHARLES MEANS, which are to begin in St. Paul, Minnesota, January 8, 1974.

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AUSA HURD specifically requested that all references be listed in the Synopsis so that he can more easily locate referenced material.

LEAD

MINNEAPOLIS

AT ST. PAUL, MINNESOTA

Will follow and report prosecutive action.

B*

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - U. S. ATTORNEY, SIOUX FALLS, SOUTH DAKOTA

Report of: [REDACTED]

Date: DECEMBER 28, 1973

Office: MINNEAPOLIS, MINNESOTA

b6
b7C

Field Office File #: 70-6864

Bureau File #:

Title: DENNIS JAMES BANKS

Character:

CRIME ON INDIAN RESERVATION - BURGLARY, LARCENY & ARSON;
ANTI-RIOT LAW - IMPEDING FEDERAL OFFICER; ASSAULTING
FEDERAL OFFICER; CONSPIRACY; OBSTRUCTION OF MOTOR
VEHICLE IN INTERSTATE COMMERCE; UNLAWFUL POSSESSION
OF FIREARMS

Synopsis:

Re prosecutive summary report of [REDACTED]
dated 11/22/73; letter to Mr. [REDACTED] from
WILLIAM F. CLAYTON, USA, Sioux Falls, SD, dated
12/3/73; letter to Mr. [REDACTED] from WILLIAM F.
CLAYTON, USA, dated 12/4/73; letter to Mr. [REDACTED]
[REDACTED] from AUSA [REDACTED] Sioux Falls,
SD, dated 12/5/73; telephone call to SA [REDACTED]
[REDACTED] from AUSA R. D. HURD, Sioux Falls, SD, on
12/10/73; requests to SA [REDACTED] from
AUSA [REDACTED] and AUSA HURD, Sioux Falls, SD, on
12/18/73; request to SA [REDACTED] from AUSA
HURD on 12/19/73; and request of AUSA [REDACTED] to
SA [REDACTED] on 12/19/73. This report contains
the results of those requests specifically made
in referenced communications. ARMED AND DANGEROUS.

b6
b7C

- P -

Details:

MP 70-6864

U. S. Attorney's request dated December 3, 1973:

1. Copies of results of reports of physical or mental examinations and of scientific tests or experiments made in connection with the Wounded Knee takeover.

MP 70-6832 SUB P
GDB:ll
(1)

The following investigation is the result of an extensive and thorough file review of all available information at the Minneapolis Division of the Federal Bureau of Investigation (FBI) concerning Part I of U. S. Attorney, WILLIAM F. CLAYTON's letter to Special Agent [redacted] dated December 3, 1973. b6 b7C

U. S. MARSHAL LLOYD HERBERT GRIMM -
VICTIM

1. Interview of Dr. [redacted] Pine Ridge Hospital, dated April 2, 1973. (Attached)
2. FBI Laboratory Ballistic Report dated April 20, 1973. (Attached)
3. Interview of Chief Warrant Officer [redacted] [redacted] South Dakota National Guard, Rapid City, South Dakota, dated May 17, 1973. (Attached)

Copies of the following have been previously furnished to the U. S. Attorney's Office at Sioux Falls, South Dakota in report of Special Agent [redacted] dated April 10, 1973, pages 4-12.

4. Interview of Lieutenant Colonel [redacted] [redacted] Neurosurgery Department, Fitzsimons Army General Hospital, Denver, Colorado, dated April 6, 1973.
5. Medical Statement regarding GRIMM, April 5, 1973.
6. Tissue Examination and Pathological Report dated March 27, 1973.
7. Interview of Lieutenant Colonel [redacted] [redacted] Department of Pathology, Fitzsimons Army General Hospital, Denver, Colorado, dated April 6, 1973.

SA CURTIS A. FITZGERALD - VICTIM

1. Clinical Record and Tissue Examination Report dated March 11, 1973. (Attached).

MP 70-6832 SUB P

GDB:11

(2*)

Copies of the following have been previously furnished to the U. S. Attorney's Office at Sioux Falls, South Dakota, in report of Special Agent [redacted] dated June 30, 1973.

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b7C

2. Interview of Dr. [redacted] Major, [redacted] U. S. Air Force Base Hospital, Ellsworth Air Force Base, South Dakota (Page 18 of Special Agent [redacted] report dated June 30, 1973).

3. Interview of Dr. [redacted] Pine Ridge Hospital, Pine Ridge, South Dakota, (Page 17 of Special Agent [redacted] report dated June 30, 1973).

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/3/73

Dr. [redacted] Pine Ridge Hospital, advised that he was the physician who attended Marshal LLOYD GRIMM when he was brought to that hospital on March 26, 1973.

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b7C

He stated he made a preliminary examination only and recommended that Marshal GRIMM be taken to Fitzsimmons Army Hospital at Aurora, Colorado, inasmuch as they did not have the facilities to care for him at Pine Ridge. He stated that based on his preliminary examination it appeared that the bullet entered his chest near the right nipple and exited to the left of the second lumbar vertebra in the back. He stated that it must have been a steel case shell inasmuch as the hole it made upon entry was nearly the same size as the hole it made upon exiting. He stated this appeared to be a small caliber shell.

He stated that during his preliminary examination he determined that Marshal GRIMM was paralyzed in both legs and had no feeling below his navel, which would be consistent with an injury to the nerves in the area where the shell exited. He also advised that he had received second-hand information indicating that there were shell fragments lodged near the spine.

Interviewed on 4/2/73 [redacted] Pine Ridge, South Dakota File # MP 89-149 -8 b6
b7C

by SA [redacted] erb 5 Date dictated 4/3/73

CLINICAL RECORD

TISSUE EXAMINATION

SPECIMEN SUBMITTED BY

DATE OBTAINED

USAF HOSPITAL, ELLSWORTH, EAFB, SD 57706

11 March 1973

~~Artery right arm~~

BRIEF CLINICAL HISTORY (Include duration of lesion and rapidity of growth, if a neoplasm)

PREOPERATIVE DIAGNOSIS

~~Gunshot wounds both wrists~~

OPERATIVE FINDINGS

~~Same~~

POSTOPERATIVE DIAGNOSIS

SIGNATURE AND TITLE

~~Same~~

PATHOLOGICAL REPORT

MAJOR,

NAME OF LABORATORY

ACCESSION NO(S).

USAF, MC, 9496

Hq USAF Rgn Hosp, Minot AFB, ND
(Gross description, histologic examination and diagnoses)

HPS-864-73

GROSS DESCRIPTION: Received on 22 Mar 73, within a container of formalin designated "Artery right arm," are five pieces of tissue, the largest measuring 10 x 5 mm in greatest dimension. Two of these tissue fragments are covered by epithelium. Upon sectioning, no artery can be grossly identified. Section submitted. (W.D.K.)

MICROSCOPIC DESCRIPTION: Sections reveal pieces of skin and connective tissues and several strips of smooth muscle and arterial wall which are the seat of hemorrhage and soft tissue contusion.

DIAGNOSIS: Soft tissues and artery, right arm, excision - Hemorrhage and contusion.

(Continue on reverse side)

SIGNATURE OF PATHOLOGIST

MAJ, USAF, MC

AGE

SEX

RACE

IDENTIFICATION NO. (SSAN)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)

Male

REGISTRATION NO.

WARD NO.

673283

2B

FITZGERALD, CURTIS FBI AGENT
USAF HOSPITAL, ELLSWORTH, ELLSWORTH AFB, SOUTH DAKOTA/57706

TISSUE EXAMINATION
Standard Form 515
515-105-08

(Date received, 12 Mar 73/Date typed 13 Mar 73/clc) 6

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/18/73

[redacted] Chief Warrant Officer [redacted]
[redacted] South Dakota National Guard, Rapid City, South
Dakota, provided the following information:

b6
b7C

The maximum effective range for a 30-06 rifle is 600 yards. This distance takes into consideration either the use of a high-powered scope or the open-peep sight.

[redacted] advised that there is no way a 30-06 rifle could be fired at a target 1,266 yards away and expect any degree of accuracy. After the projectile travels 600 yards it becomes very unstable.

b6
b7C

If a target was hit from a distance of 1,266 yards firing a 30-06 rifle, it would be a result of a "lobbing shot" and a very "freak shot".

Interviewed on 5/17/73 at Rapid City, South Dakota File # MP 89-149-90

by SA [redacted] skw 7 Date dictated 5/18/73

b6
b7C



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Denver

Date: April 20, 1973

Re: UNSUB;

FBI File No.

U. S. MARSHALL FLOYD GRIMM - VICTIM
AFO

Lab. No. PC-J6559 JH

Specimens received 4/14/73

Q1-Q2 Two metal fragments

Result of examination:

Specimens Q1 and Q2 are two small pieces of aluminum which could be portions of the nose of a Winchester-Western "Silvertip" bullet. These metal fragments have no value for determining the caliber of the bullet, the make of the weapon or the particular weapon from which they were fired.



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Minneapolis

Date:

May 29, 1973

FBI File No.

70-58411

Lab. No.

PC-J6947 LP

Re: PEDRO ALOYIOUS BISSONETTE - FUGITIVE
CIR - BURGLARY, LARCENY;
UNLAWFUL POSSESSION OF
UNREGISTERED FIREARMS; ARL;
IMPEDING FEDERAL OFFICERS;
AFO; CONSPIRACY

Specimens received 5/4/73

Q1 .38 Special caliber Smith & Wesson revolver,
serial number obliterated

Result of examination:

The obliterated serial number on the butt of the Q1
revolver was restored and was determined to be

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO. 70-6832
FBI FILE NO. 70-58411
LATENT CASE NO. A-67627

April 13, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

Specimens processed in Pine Ridge, South Dakota on

REFERENCE: 4-4-73, by Fingerprint Examiner [REDACTED]

EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS: One shotgun shell

One twelve gauge shotgun

Five rifles

No latent prints of value appear or were developed
on specimens.

Specimens retained in Pine Ridge, South Dakota.

10

L. Patrick Gray, III
L. Patrick Gray, III, Acting Director

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b6
b7c



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 10, 1973

TO: SAC, Minneapolis

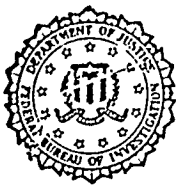
RE: WOUNDED KNEE

Specimen processed 3-9-73, by Latent Fingerprint
REFERENCE: Examiners, at Pine Ridge, South Dakota
EXAMINATION REQUESTED BY: Minneapolis
SPECIMENS: One .30 caliber rifle

No latent impressions of value were developed on
the rifle, which was retained at Pine Ridge, South Dakota.

11

L. Patrick Gray
L. Patrick Gray, III, Acting Director



FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 10, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE:

EXAMINATION REQUESTED BY:

SPECIMENS:

Specimens processed 3-12-73, by Latent Fingerprint

Examiners, at Pine Ridge, South Dakota

Minneapolis

Guns and ammunition

One latent fingerprint of value was developed on a
.22 caliber revolver, serial

All specimens were retained at Pine Ridge, South Dakota.

b6
b7C

70-6832-Sub D-17

12

L. Patrick Gray III
L. Patrick Gray, III, Acting Director

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FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 10, 1973

to: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE:

EXAMINATION REQUESTED BY:

SPECIMENS:

Specimens processed 3-16-73, by Latent Fingerprint
Examiners, at Pine Ridge, South Dakota

Minneapolis

One bayonet
One paring knife
One hunting knifeOne latent fingerprint of value was developed on the
hunting knife.A lift of the latent fingerprint was made and is enclosed.
The remaining specimens were retained at Pine Ridge, South Dakota.

Enc.

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70-6832-SusD-76

L. Patrick Gray, III, Acting Director

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO:

LATENT CASE NO.

70-58411

A-67627

April 10, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE:

EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS:

Five guns

Western knife

Western hatchet

Specimens processed 3-7-73, by Latent Fingerprint Examiners, at Pine Ridge, South Dakota; specimens obtained from Bureau of Indian Affairs, Pine Ridge, South Dakota.

Two latent fingerprints of value were developed on the Western knife and one latent fingerprint of value developed on a rifle, serial [REDACTED] No latent impressions developed on other items.

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b7c

A lift made of the latent fingerprint developed on the Western knife and a lift made of the latent fingerprint developed on the rifle are enclosed. All other items were retained at Pine Ridge, South Dakota.

Enc. (2)

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70-6832-SUB A-15

L. Patrick Gray, III
L. Patrick Gray, III, Acting Director

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FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 10, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE:

EXAMINATION REQUESTED BY:

SPECIMENS:

Specimens processed 3-6-73, by Latent Fingerprint
Examiners, at Pine Ridge, South Dakota
Minneapolis

b6
b7C

One latent fingerprint of value was developed on rear-
view mirror.

were retained at Pine Ridge,
South Dakota. A lift of the latent fingerprint developed on rearview
mirror, is enclosed.

b6
b7C

Enc.

15

70-6832-Sub D-14

L. Patrick Gray
L. Patrick Gray, III, Acting Director

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO. 70-58411

LATENT CASE NO. A-67627

April 10, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

Specimens processed 3-10-73, by Latent Fingerprint
Examiners, at Pine Ridge, South Dakota

REFERENCE:
EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS: Two guns
Eight .22 caliber cartridges

One latent palm print of value was developed on a gun,
model RG23, a .22 caliber long rifle.

A lift was made of the latent palm print and is enclosed.
No latent impressions of value were developed on other specimens.
The remaining specimens were retained in Pine Ridge, South Dakota.

70-6832-SUB A-13

Enc.

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REPORT
of the



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Minneapolis

Date: May 4, 1973

FBI File No. 70-58411

Re: WOUNDED KNEE
UNIDENTIFIED MATTER RECOVERED IN

Lab. No. PC-J6669 MK BV

b6
b7c

Specimens received 4/20/73

Q5 Plant material
Q6 Plant material

Also Submitted: Two packages of cigarette paper

Result of examination:

The Q5 plant material consists of disk flowers and flower heads of *Matricaria matricarioides*, which is commonly known as Pineapple Weed. The plant smells like a pineapple, contains an oil and a bitter acid and is possibly used as an aromatic bitter, mild tonic and emetic. Pineapple Weed is a common weed in waste places and cultivated areas throughout the Pacific States and introduced elsewhere in the United States. This specimen weighs approximately 19 grams.

The Q6 plant material consists of seeds from a member of the Rosaceae (Rose) family. The genus and species could not be determined. This specimen weighs approximately 23 grams.

70-6832-Sub D-11



FEDERAL BUREAU OF INVESTIGATION
Washington, D. C. 20537
REPORT
of the
IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 3, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

Processed on 3/6/ 73 by Latent Fingerprint Section personnel
REFERENCE: in Pine Ridge Indian Reservation, South Dakota
EXAMINATION REQUESTED BY: Minneapolis
SPECIMENS: Specimens from [REDACTED]
Olympia typewriter #27-416641 with red tape on back
reading BIA 874-69

b6
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No latent impressions of value were developed on
specimen.

Specimen was retained in evidence room at Pine Ridge.

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70-6832-0-6



FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

70-58411

A-67627

April 3, 1973

TO:

SAC, Minneapolis

RE:

WOUNDED KNEE

Processed on 3/6/73 by Latent Fingerprint personnel

REFERENCE: in Pine Ridge Indian Reservation, South Dakota

EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS:

One Winchester model 1200 - 12 gauge shotgun [redacted]

One Remington model 870 - 12 gauge shotgun [redacted]

One 12 gauge shotgun [redacted]

One .22 caliber Ruger rifle [redacted]

b6

b7c

No latent impressions of value were developed on specimens.

Specimens were retained in evidence room at Pine Ridge.

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L. Patrick Gray, III, Acting Director

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70-6882-D-3



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Minneapolis

Date: March 29, 1973

FBI File No. 70-58411

Lab. No. PC-J5791 NN

b6

b7C

Re:

ET AL

CIR - BURGLARY; LARCENY

(WOUNDED KNEE, SOUTH DAKOTA)

DISORDERS BY AMERICAN INDIAN

IN SOUTH DAKOTA

EM - AIA

Specimens received 3/14/73

Q1-Q4 Four Vacutainer vials containing liquid

Result of examination:

The liquids in specimens Q1 and Q2 were identified as gasoline.

The liquids in specimens Q3 and Q4 were found to consist of approximately 75 percent gasoline. The remaining portions consist of an oil containing pentachlorophenol. Pentachlorophenol is reported to find use as a wood preservative.

The Q18 .243 Winchester caliber Remington-Peters cartridge case bears some microscopic marks for comparison purposes.

The .303 British caliber Remington-Peters cartridge case bears some marks of possible value for comparison purposes.

The primer in the Q20 .300 Weatherby Magnum caliber Weatherby cartridge case is unfired.

The Q21 and Q22 7.62 x 39mm cartridges were manufactured by Valtion Patruunatohdas at Lapua, Finland. These cartridge cases do not bear sufficient microscopic marks for identification purposes. It is pointed out that these cartridge cases are the same as those comprising the K1 and K2 cartridges.

The K3 through K6 .223 Remington caliber cartridges were manufactured by an unknown company in Singapore.

The K7 .45 Auto caliber Western cartridge and the K8 .38 Special Amron cartridge are American made.

All of the submitted evidence is being returned to your office under separate cover by Air Express.



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Minneapolis

Date: July 23, 1973

Re: WOUNDED KNEE

FBI File No. 176-2404

Lab. No. PC-K0133 JH

Specimens received 7/6/73

Q7-Q14	Eight .30-06 Springfield caliber cartridge cases
Q15	.270 Winchester caliber cartridge case
Q16	7.62 Russian caliber cartridge case
Q17	.30-30 Winchester caliber cartridge case
Q18	.243 Winchester caliber cartridge case
Q19	.303 British caliber cartridge case
Q20	.300 Weatherby Magnum caliber cartridge case
Q21-Q22	Two 7.62 x 39mm caliber cartridge cases
K1-K2	7.62 x 39mm cartridges
K3-K6	Four .223 Remington caliber cartridges
K7	.45 Auto caliber cartridge
K8	.38 Special caliber cartridge

"Also Submitted": Small cardboard box

Result of examination:

Specimens Q7 through Q12 are .30-06 Springfield caliber Federal cartridge cases. Specimens Q13 and Q14 are .30-06 Springfield caliber Winchester-Western cartridge cases. The Q7 through Q10 and Q12 through Q14 cartridge cases were identified as having been fired in one weapon. The Q11 cartridge case does not bear sufficient microscopic marks for comparison purposes due to damage of its primer.

The Q15 .270 Winchester caliber Winchester-Western cartridge case bears sufficient microscopic marks for comparison purposes.

The Q16 7.62 Russian caliber Norma cartridge case bears some marks of possible value for comparison purposes. It is pointed out that Norma cartridge cases are made in Sweden.

The Q17 .30-30 Winchester caliber Winchester-Western cartridge case bears sufficient microscopic marks for comparison purposes.

70-6832-Sub D-45

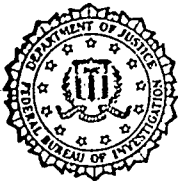
SAC, Minneapolis

June 22, 1973

Fingerprints being searched through
our main fingerprint file and results to be furnished
separately.

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.
FBI FILE NO.
LATENT CASE NO.

70-58411
A-67627

June 22, 1973

to: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE:

EXAMINATION REQUESTED BY:

SPECIMENS:

Airtels 6/7/73 and 6/8/73

Minneapolis

Fingerprints of Agnes Afraid of
Hawk (your file #70-7312)

[redacted] (your file
#70-7309); [redacted]

Jr. (your file #70-7308)

[redacted] (your
file #70-7262)

b6
b7c

Previously reported unidentified
latent fingerprints this case not identical submitted
fingerprints.

(Continued on next page)

5 - Minneapolis (70-6832) (1 - 70-7262) (1 - 70-7308)
(1 - 70-7309) (1 - 70-7312)

1 - Albany
1 - San Francisco
1 - Kansas City

24

William D. Ruckelshaus, Acting Director

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

SAC, Minneapolis

June 20, 1973

Fingerprints being searched in our main fingerprint file and results of search will be furnished separately.



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO. 70-6832
FBI FILE NO. 70-58411
LATENT CASE NO. A-67627

June 20, 1973

TO: SAC, Minneapolis

RE: WOUNDED KNEE

Fingerprint cards received on 6-12-73
and 6-13-73

REFERENCE:

EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS:

Fingerprints of [REDACTED]

(your #89-171); [REDACTED]

(your #89-161); [REDACTED]

(your #89-170); [REDACTED]

[REDACTED] (your #89-156); [REDACTED]

[REDACTED] (your #70-7279); [REDACTED]

[REDACTED] (your #70-7220);

[REDACTED] (your #70-7219);

[REDACTED] (your #70-7217);

[REDACTED] (your #70-7216);

[REDACTED] (your #70-7215);

[REDACTED] (your #70-7238); and

[REDACTED] (your #70-7237)

b6
b7C

Previously reported unidentified latent
fingerprints not identical submitted fingerprints.

(Continued on next page)

William D. Ruckelshaus

William D. Ruckelshaus, Acting Director

FEDERAL BUREAU OF INVESTIGATION

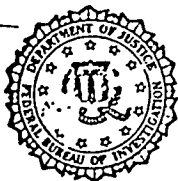
Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION



YOUR FILE NO.

FBI FILE NO.

LATENT CASE NO.

32-19427

A-72752

June 20, 1973

AIRMAIL

TO: Mr. Bob Mahan
 Sheriff of Wagoner County
 Wagoner, Oklahoma 74467

RE: UNKNOWN SUBJECT(S);
 MEMBERS OF AMERICAN INDIAN MOVEMENT
 WAGONER COUNTY, OKLAHOMA
 POSSESSION OF LOADED FIREARMS

Handwritten signature: C. D. Gentry

REFERENCE:

Letter received June 13, 1973

EXAMINATION REQUESTED BY:

Addressed to

SPECIMENS:

Fingerprints of

b6

b7C

70-6832

The fingerprints submitted of the above six individuals are being searched through our main fingerprint file and you will receive a separate report concerning the results of these searches.

ADDENDUM TO MINNEAPOLIS

The latent fingerprints in the Wounded Knee case, Bufile #70-58411, Minneapolis #70-6832, are with the submitted fingerprints.

② - Minneapolis (70-6832)

70-6832-0

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 22 1973	
FBI - MINNEAPOLIS	

27

William D. Ruckelshaus
 William D. Ruckelshaus, Acting Director

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REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

70-6832

June 13, 1973

FBI FILE NO.

70-58411

LATENT CASE NO.

A-67627

TO: SAC, Minneapolis

RE: WOUNDED KNEE

REFERENCE: Fingerprint cards received 6/4/73 and 6/6/73

EXAMINATION REQUESTED BY: Minneapolis

SPECIMENS: Fingerprints of [redacted] and seventy-three other individuals

b6
b7C

The submitted fingerprints are being compared with the unidentified latent prints previously reported in this case and you will be advised of the results upon completion.

28

William D. Ruckelshaus

William D. Ruckelshaus, Acting Director

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MP 70-6864

2. A summary of what is depicted on all photographs, including aerial and long-range photographs, which were not viewed by defense counsel and Mr. [redacted] on November 19 and 20, 1973, in Rapid City, South Dakota.

b6
b7C

All photographs have been viewed by defense counsel and U. S. Attorney's Office which are in the possession of the FBI. Also photographs and films of Molotov cocktails have been viewed in St. Paul on December 17 and 18, 1973, by defense counsel and U. S. Attorney's Office, Sioux Falls.

MP 70-6832 SUB P

WJM:11

(1)

REQUEST OF UNITED STATES ATTORNEY'S OFFICE

Sioux Falls, South Dakota

Reference U. S. Attorney's letter to Federal Bureau of Investigation, Minneapolis, Minnesota, dated December 3, 1973.

REQUEST NUMBER

THREE

The substance of the contents of all tapes or other recordings identified by Defense Counsel to Mr. [] of our office and Mr. ENLOW on November 19, 1973, in Rapid City, as being tapes or recordings which they wanted to listen to (this refers to tapes seized pursuant to arrest or search).

b6
b7C

A review of MP 70-6832 revealed that serials 3853 and 3878 refer to the viewing of items of evidence by the Wounded Knee Legal Defense/Offense Committee on November 19, 1973, at Rapid City, South Dakota. A request was made at that time to listen to recording tapes inventoried under the following bulky exhibit control numbers, 70-6832, 1B, 105, 127, 133, and 176.

1B 105

Plastic envelope containing miscellaneous ammunition and one memorex 90 tape.

A review of this tape revealed that it is blank.

1B 127

Plastic envelope containing three tapes.

A review of these tapes revealed that all three were recordings of what appeared to be Indian Religious Ceremonies; drums beating, Indians chanting, and a male voice speaking what appeared to be an Indian dialect

MP 70-6832 SUB P
WJM:11
(2*)

1B 133

Cassette tape titled "RUSS STILL BULL SHITTING". Side one and two.

A review of this tape revealed a male voice, probably RUSSELL MEANS, being interviewed by an unknown reporter. There were several other unknown male and female voices that participated in the conversation. This conversation was rambling and covered items such as the Bureau of Indian (BIA) Building takeover in Washington, D.C., and general philosophical discussions. It also gave the impression that the group was drinking and the conversation was interrupted by laughter at many points. There did not appear to be any reference to the Wounded Knee takeover.

1B 176

Scotch video tape.

Editing reveals scenes of people within Wounded Knee and scenes of negotiation meeting within tepee at Wounded Knee.

4. The results of examination and further processing of all items of evidence secured by Special Agents in early June when representatives of the U. S. Attorney's Office examined a variety of tangible objects stored in Deadwood, South Dakota, in custody of the U. S. Marshal.

The results of these examinations can be located in Minneapolis report of [redacted] dated November 9, 1973. This report is a consolidation of all evidence in the possession of the FBI and the U. S. Marshal's Office.

b6
b7C

5. Any ballistics reports or autopsy reports of BUDDY LA MONT and FRANK CLEARWATER.

TRIAL

37

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 4/30/73

[redacted] Nebraska, began an autopsy at 3:18 p.m., April 28, 1973, on the body of LAWRENCE DEAN LAMONTE at the Pine Ridge, South Dakota, Hospital Morgue. Present at the autopsy were Special Agents [redacted]

b6
b7C

At 4:02 p.m. on April 28, 1973, [redacted] Md., extracted a bullet from the chest cavity of LAWRENCE DEAN LAMONTE. Witnessing this extraction were Special Agents [redacted]

b6
b7C

At 4:30 p.m. on April 28, 1973, the autopsy was completed.

38

Interviewed on 4/28/73 of Wounded Knee, South Dakota File # MP 89-154-6

SA
by SA [redacted]

sks 4/29/73

b6
b7C

[redacted] jmf

(1)

b6
b7C

The following investigation was conducted by
Special Agent [redacted] at Minneapolis, Minnesota,
after a file review on December 14, 1973:

b6
b7C

On April 28, 1973, the bullet which was extracted
from the chest cavity of LAWRENCE DEAN LA MONT, was obtained
from Doctor [redacted] Nebraska, by Special
Agents of the FBI [redacted]
[redacted]

b6
b7C

The above described bullet was forwarded to the FBI
Laboratory and designated as Specimen Q1.

The following is the results of examination conducted
by the FBI Laboratory concerning Specimen Q1:

REPORT
of theFEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Minneapolis

Date: May 25, 1973

Re: LAWRENCE DEAN LAMONTE, aka
Buddy - Deceased
AFOFBI File No. 89-2478
Lab. No. PC-J7220 JH

Specimens received 5/15/73:

Q1 Bullet

Result of examination:

Specimen Q1 is a .25-06 Remington caliber "Positive Expanding Point" bullet of Winchester-Western manufacture. This bullet has been fired from a barrel having six lands and grooves, right twist. The rifling impressions in this bullet are the same as those produced by Remington and Ruger rifles. However, there are not sufficient microscopic marks remaining on this bullet to identify the weapon from which it was fired.

The following information concerns the death and autopsy reports of FRANK J. STILLWATER:

FEDERAL BUREAU OF INVESTIGATION

(1)

April 18, 1973

Date of transcription

[redacted] Indian Health Service, Indian Hospital, Pine Ridge Indian Reservation, supplied the following information:

Dr. [redacted] on the morning of April 17, 1973, and at approximately 10:15 a.m., a male individual, believed to be an Indian, was brought to the Emergency Room via helicopter, from Wounded Knee, South Dakota, where he was allegedly shot in the head. Dr. [redacted] stated that he has no descriptive information regarding this individual and by his basic appearance believes him to be an Indian; however, he does not know if this individual is an enrolled member of the Oglala Sioux Tribe.

Dr. [redacted] estimated that this individual is in his 30's and stated that he has black, straight hair and dark eyes, height and weight unknown.

Dr. [redacted] stated that he inspected the individual's wound and described it as an "avulsion of the scalp and skull." The Doctor stated that in layman's terms this means that the gunshot caused the back of the individual's head to be blown off. He stated that he could not pinpoint the exact location of the entrance wound; however, is certain that it was at the back or side of the skull. He stated that there is no exit wound and the possibility exists that the bullet may still be lodged in the brain. He stated that the individual's condition is very critical and does not, in his opinion, believe the individual will live. He stated that there is extreme brain damage and the prognosis is very poor.

Dr. [redacted] stated that he did everything for the individual that he could and had made arrangements for transportation of the individual to Rapid City, South Dakota, where one Dr. [redacted] would operate.

Dr. [redacted] stated that it would be very important for Dr. [redacted] to have information regarding this individual's prior health history and that he would attempt to obtain

Interviewed on 4/17/73 at Pine Ridge, South Dakota File # MP 70-6832-2297

by SA [redacted] wkb Date dictated 4/17/73

42

MP 70-6832

(2)

the same. He said that if he obtained this individual's identity, he would immediately advise the FBI.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/18/73

[redacted] was interviewed [redacted] 1010 9th Street. Dr. [redacted] was apprised of the identity of the interviewing agent and was told the purpose of the interview.

b6
b7C

Dr. [redacted] related he conducted an autopsy on FRANK J. STILLWATER on April 25, 1973, and he furnished a copy of his Pathological Summary. Dr. [redacted] was displayed several colored slide photographs taken by himself before and during the autopsy. If any of this material is to be used in court, a subpoena duces tecum should be directed to Dr. [redacted]

b6
b7C

Dr. [redacted] was displayed four X-ray photographs which he explained were taken by St. John's Hospital, Radiology Department. These X-rays were of STILLWATER's head and chest, and were taken upon STILLWATER's admission to the hospital and before surgery. A subpoena duces tecum should be issued to St. John's Hospital, Rapid City, South Dakota, for these X-rays.

b6
b7C

Dr. [redacted] advised that he could not definitely conclude the injuries to STILLWATER's head was the result of a shot. If the injury was caused by a shot, it was Dr. [redacted] conclusion it was a grazing shot and was made by a special military or hard jacketed type ammunition. The X-rays and Dr. [redacted] autopsy failed to identify any foreign material in the cranium.

b6
b7C

Dr. [redacted] advised his report on the microscopic analysis of this autopsy is not complete. This report would contain only microscopic analysis and tissue and bone taken during the autopsy and would reflect nothing further as to the cause of the injury. This report will be available in the near future.

b6
b7C

Interviewed on 12/11/73 at Rapid City, South Dakota File # MP 70-7078

b6
b7C

by SA [redacted] /lec 46 Date dictated 12/17/73

MP 70-6864

6. Written transcripts of any statements made by RUSSELL MEANS, DENNIS BANKS, CARTER CAMP, CLYDE BELLECOURT, LEONARD CROW DOG, STANLEY HOLDER and PEDRO BISSONETTE on the T V network film footage in possession of the FBI.

It is the FBI's understanding that now Assistant U. S. Attorneys (AUSAs) HURD and [redacted] have made arrangements for these transcripts to be prepared in the office of the U. S. Attorney in either Sioux Falls or Minneapolis.

b6
b7C

AUSA letter dated December 4, 1973, in which the request was made that a copy of any and all statements or admissions and confessions made by defendants to Agents of the Federal Government be produced or that the U. S. Attorney's Office be advised as to the location of these statements in prior reports.

By letter dated December 18, 1973, the results of this request were provided to WILLIAM F. CLAYTON, U. S. Attorney, Sioux Falls, South Dakota. A copy of this answer is included.

Enclosed for your office are copies of the following communications which you may not have:

176-102, [redacted] (CR 73-5048)
(Interview)

b6
b7C

70-7060, [redacted] (CR 73-5096)
(Interview)

176-111, [redacted] (CR 73-5041)
(Interview)

176-88, [redacted] (CR 73-5070)
(Denver report, September 13, 1973)

The following files were unavailable for review at this time:

176-148, [REDACTED] (CR 73-5059)

176-284, [REDACTED] (CR 73-5040)

70-6917, [REDACTED] (CR 73-5072)

70-7068, [REDACTED] (CR 73-5089)

70-7174, [REDACTED] (CR 73-5113)

176-126, [REDACTED] (CR 73-5112)

70-7053, [REDACTED] (CR 73-5095)

70-7019, Cecil Hobart Keith (CR 73-5093)

INDICTMENTS IN WOUNDED KNEE
INCIDENT RETURNED TO DATE

70-6903, CR 73-5029, John Hussman
(Report July 17, 1973, page 19 and
report August 17, 1973, page 3)

70-6889, Emil Richards
(Report August 9, 1973, page 3)

70-6906, CR 73-5028, Rachael White Dress
(Report August 6, 1973, page 2)

Helen Red Feather
(Negative)

70-6899, CR 73-5027, Frank Locke
(Report July 3, 1973, page 9)

70-6900, Gladys Locke
(Report June 23, 1973, page 7)

70-6888, CR 73-5026, Carol Red Star
(Report May 19, 1973, page 3)

70-6875, CR 73-5020, Philip Elk Boy
(Report July 5, 1973, page 6)

Victoria Wounded Foot
(Report June 15, 1973, page 11)

Ginger Vitalis
(Report June 14, 1973, page 3)

Della Starr
(Report July 5, 1973, page 10)

Frank Starr
(Report July 5, 1973, page 11)

Kenneth Loud Hawk
(Report July 5, 1973, page 7)

Zachery Two Bulls
(Report July 5, 1973, page 14)

70-6897, CR 73-5018, Francis Lynn Killer
(Report June 13, 1973, page 2 and
report August 8, 1973, page 4)

70-6935, Cheyenne Nichols
(Report June 10, 1973, page 7)

70-6898, Lessanes Killer,
(Report June 15, 1973, page 7)

70-6874, Evelyn Deon
(Report June 23, 1973, page 4)

176-276, CR 73-5019, Madonna Mae Gilbert
(Report July 6, 1973, page 6)

70-6872, Lorelie DeCora
(Report June 15, 1973, page 12)

70-6861, Tonia Ackerman
(Report June 15, 1973, page 5)

70-7314, CR 73-5021, Vaughen Dix Baker
(Report July 27, 1973, page 13)

70-6873, Marianne Ruth DeCora
(Report July 3, 1973, page 5)

70-6883, CR 73-5017, Wilbert Provost
(Negative)

70-8380, CR 73-5024, Helen Red Feather
(Negative)

70-6871, CR 73-5023, Paul Richard Davids
(Report March 13, 1973, page 11)

70-6870, Dwaine W. Cummings
(Report March 13, 1973, page 18)

176-154, CR 73-5022, Robert Burnett, Jr.
(Report June 2, 1973, page 22)

70-6886, CR 73-5025, Mary Quintana
(Report June 29, 1973)

70-6890, James Roberts
(Report June 29, 1973, page 11, and
report November 20, 1973, page 2)

70-6883, William Allen Means
(Report June 15, 1973, page 2 and page 12)

176-103, CR 73-5052, Clarence Leonard Arthur
(Report June 23, 1973, page 2 and
report September 10, 1973, page 4)

176-104, CR 73-5051, Frederick Christian Fahrbach
(Report July 2, 1973, page 3)

176-155, CR 73-5050, Verdell Sidney Ear
(Negative)

70-6876, CR 73-5049, Bernardo Escamilla
(Report June 29, 1973, page 5)

176-102, CR 73-5048, Arthur Montoya
(Report June 10, 1973, page 7)

176-106, CR 73-5047, Tyrone Herbert Simmon
(Report June 10, 1973, page 4 and 13 and
report August 16, 1973, page 7)

176-107, CR 73-5046, Michael Eugene Sturdevant
(Chicago report June 1, 1966, page 7 and
report July 1, 1973, page 3)

176-112, CR 73-5045, Lawrence Anthony Tennecour
(Report June 19, 1973, page 6)

176-109, CR 73-5044, Lowell Eugene Johnson
(Report June 21, 1973, page 2 and page 5)

176-108, CR 73-5042, Gregorio Jaramillo
(Report June 19, 1973, page 3)

70-6879, CR 73-5042, Warfield Milo Goings
(Report July 13, 1973, page 37)

176-111, CR 73-5041, Christopher Oliver Land
(Report June 21, 1973, page 3 and page 9)

176-156, CR 73-5039, Oscar Bear Runner
(Negative)

176-157, CR 73-5053, James F. Warbonnet
(Report May 16, 1973, page 2)

176-113, CR 73-5038, John Milford Thomas
(Report June 25, 1973, page 6)

176-105, CR 73-5037, Melvin Lee Houston
(Report July 9, 1973, page 2 and page 7)

176-114, CR 73-5036, Richard Dean McArthur
(Report June 18, 1973, Page 5)

70-6882, CR 73-5035, Russell Means
(Negative)

70-6861, CR 73-5031, Clyde Bellecourt
(Negative)

70-6864, CR 73-5034, Dennis Banks
(Negative)

70-6867, CR 73-5032, Pedro Bissonette
(Deceased)

70-6869, CR 73-5033, Carter Camp
(Negative)

70-6853, CR 73-5054, Newman Crowels, Jr.
(Report March 29, 1973, page 10)

70-6853, Manuel M. Alvaredo
(Report March 29, 1973, page 11)

70-6853, CR 73-5055, Terry Gene Williams
(Report March 29, 1973, page 9)

70-6853, Richard G. Woods
(Report March 29, 1973, page 8)

89-146, CR 73-5056, Stanley Mack Neptune
(Report April 11, 1973, page 3;
report May 2, 1973, page 4 and page 6;
report June 13, 1973, page 14 and page 18)

176-123, CR 73-5057, Harvey Kills in Water
(Negative)

176-137, CR 73-5058, Jess Large
(Report March 25, 1973, page 2 and
report June 1, 1973, page 6)

70-6862, CR 73-5072, Patrick Brendan Rogers
(Report June 18, 1973, page 4)

70-7008, CR 73-5060, Stuart Ervan Oakie
(Report July 12, 1973, page 7)

70-7015, CR 73-5061, Richard John Garnier
(Report July 17, 1973, page 7)

70-6864, CR 73-5062, Dennis Banks
(Negative)

70-6882, CR 73-5063, Russell Means
(Negative)

70-6866, CR 73-5064, Clyde Bellecourt
(Negative)

70-6869, CR 73-5065, Carter Camp
(Negative)

70-6867, CR 73-5066, Pedro Bissonette
(Deceased)

70-6868, CR 73-5067, Stanley Holder
(Report June 13, 1973, page 6 in CR 73-5090)

176-88, CR 73-5068, Rex Edward Hanes
Also Known As Rex Taurus
(Report March 25, 1973, pages 44, 45, and 49)

176-88, CR 73-5069, Stephen Lee Quarterman
(Report March 25, 1973, page 27)

176-88, CR 73-5070, Timothy Robert Hynes
(Report March 25, 1973, page 35)

176-88, CR 73-5071, Harry Lutz
(Report March 25, 1973, page 32)

176-88, CR 73-5075, John David Zekan III
(Report March 25, 1973, negative)

176-88, CR 73-5075, Roy Wharton
(Report March 25, 1973, negative)

176-88, CR 73-5075, Bryce Stephens
(Report March 25, 1973, page 20 and
Kansas City report November 1, 1973, page 2)

176-88, CR 73-5076, David Edmond Hewes
(Report March 25, 1973, page 23;
report September 17, 1973, page 3;
report October 20, 1973, page 16)

70-7041, CR 73-5077, Leonard Crow Dog
(Negative)

70-6864, CR 73-5078, Dennis Banks
(Negative)

176-139, Garrett Wounded Head
(Report June 2, 1973, page 39)

70-7049, CR 73-5080, John Robert Adelman
(Report April 24, 1973, page 34)

70-7049, CR 73-5085, J. White
(Negative)

70-7049, CR 73-5083, James Stewart
(Report May 7, 1973, page 3)

70-7049, CR 73-5084, Robert Lloyd Talbot
(Report April 24, 1973, Page 24)

70-7049, CR 73-5087, William B. Zimmerman
(April 26, 1973, page 8)

70-7049, CR 73-5082, Thomas Oliphant
(Report April 26, 1973, page 3)

70-7049, CR 73-5086, William Percy Wright
(Report April 24, 1973, page 29)

70-7049, CR 73-5081, Larry Levin
(Report May 8, 1973, page 4)

70-7058, CR 73-5096, Robert William Moore
(Report May 3, 1973, page 2)

70-7057, CR 73-5096, Anthony Alan Bush
(Report April 20, 1973, page 5)

70-7059, CR 73-5096, Walter Ten Fingers
(Report April 21, 1973, page 5)

70-7060, Chris J. Westerman
(Report April 23, 1973, page 2)

70-7061, Patrick Wilson Jones
Also Known As Manuel Martin
(Report April 22, 1973, page 4 and
report October 18, 1973, page 2)

70-7062, Dwain Alex Camp
(Report April 20, 1973, page 5)

70-7063, Lyle Fred Looks Twice
(Report May 2, 1973, page 2)

70-7065, Earl Janis
(Report August 31, 1973, page 2)

70-7055, CR 73-5094, Dennis Wayne King
(Report April 20, 1973, page 3 and
report August 16, 1973, page 8)

70-6951, CR 73-5092, Cherry Ann Richards
(Report June 25, 1973, page 5)

70-7069, CR 73-5091, Richard Anthony Goode
(Report April 21, 1973, page 2;
report July 25, 1973, pages 4 and 9;
report August 16, 1973, page 3)

70-6846, CR 73-5090, Loren Thomas Holliday
(Report April 17, 1973, pages 3 and 6)

70-7007, CR 73-5088, John Kenneth Perrote
(Report June 1, 1973, pages 2 and 4)

70-7016, CR 73-5097, Ronald Frank Fidge
(Report June 2, 1973, page 2)

70-7883, CR 73-5098, Charles Francis Tapio
(Negative)

70-6950, CR 73-5099, Lawrence Antonio Smiley
(Negative)

70-7029, CR 73-5100, Orville Walking Eagle
(Report August 20, 1973, page 5)

70-6846, CR 73-5101, Webster Clyde Poor Bear
(Negative)

70-6846, CR 73-5102, Allen Fairfax Cooper
(Negative)

70-7188, CR 73-5103, Arthur Rodney Elliott
(Report August 30, 1973, page 6)

70-7171, CR 73-5116, William Mulhall
(Negative)

70-7159, CR 73-5115, Enrique Lela Rodriguez
Also Known As
Henry Rodriguez
(Report May 16, 1973, page 2)

176-140, CR 73-5114, Lawrence Red Shirt
(Report May 31, 1973, page 22)

70-6879, CR 73-5111, Warfield Milo Goings
(Previously reported)

70-6876, CR 73-5138, Bernard Bravo Escamilla
(Previously reported)

70-7153, CR 73-5136, Douglas P. Skye, Jr.
(Negative)

70-7015, CR 73-5135, Richard J. Garnier
(Previously reported)

Subsequent to [redacted] arrest on April 8, 1973, at Pine Ridge, South Dakota, he identified an olive drab colored backpack and the contents thereof as belonging to him. b6 b7C

[redacted] stated he had left Wounded Knee at approximately 4:00 a.m. on the morning of April 8, 1973, to return to California. When asked what he had been doing in Wounded Knee, he stated he had been there to help his fellow Indians, however, declined to describe his actions within Wounded Knee or the length of time he had been in Wounded Knee. b6 b7C

He was questioned concerning the contents of the olive drab colored backpack and stated only that they belonged to him and he declined to discuss how he came to be in possession of the contents of his olive drab colored backpack and also declined to be further interviewed.

Interviewed on 4/8/73 of Pine Ridge, South Dakota File # MP 70-6832 b6 b7C
by SA [redacted] and
SA THOMAS M. DUFFIN:skk Date dictated 4/8/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted] was interviewed at the [redacted] b6
[redacted] Minnesota, by Special Agent (SA) b7C
[redacted] who immediately identified himself as a
[redacted] Special Agent of the Federal Bureau of Investigation, and
advised [redacted] that he wished to interview [redacted]
concerning his knowledge of the shooting of CLYDE BELLECOURT
on August 27, 1973, but not concerning [redacted] arrest in
connection with the shooting of [redacted]
was presented with an FD-395, "Advice of Rights and Interrogation"
form, which he advised he understood and signed.

[redacted] said he learned that CLYDE BELLECOURT had b6
been shot from his attorney. He said that he learned this in- b7C
formation yesterday, August 27, 1973. He said that he knew
nothing about the incident beyond that. He said that the shooting
of BELLECOURT may have been the result of personal differences
between BELLECOURT and CARTER CAMP. He said that there was
some internal friction within the American Indian Movement (AIM)
leadership concerning the direction AIM should take in the future.
He said some AIM leaders wish to follow the counsel of the tra-
ditional chiefs, while others wish to follow their own ideas.
He could provide no specific information beyond this.

He said that he had spoken to BELLECOURT on August
25, 1973, at the Corral Bar, 14th Avenue and Franklin, Minneapol
at which time they discussed their relative roles in the AIM
movement. He said he was critical of BELLECOURT's plans for
going to the Rosebud Reservation. He said BELLECOURT was plann
to leave for the reservation that day or the next. He said he
believed BELLECOURT, who is a Chippewa Indian, should stay in
Minnesota and work among his people here. He said he believes
BELLECOURT, like some others in the movement, is an "ego trip"
and is more interested in flying off to where the action is
and not staying at home instituting programs that would be of

Interviewed on 8/28/73 [redacted] Minneapolis, Minnesota. File # [redacted]
by SA [redacted] Date dictated 8/29/73
- 57 -

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MP 157-7222
MP 70-7060
MP 70-6866
MP 157-722

benefit to his people. He said that since Wounded Knee, everyone is spending their time running here and there talking about all the great things that should be done, then doing nothing.

[redacted] reservation. [redacted] said he has been [redacted]

[redacted] help Indian convicts get readjusted to society. He said he also has been working with Indian alcoholics and dope addicts toward the same end. [redacted] got into a fight. He said the incident for which he was arrested, the shooting of [redacted] and the shooting of BELLECOURT at Rosebud, were in no way connected. [redacted] were bloodstained, placed the bloodstained clothes in a plastic bag, together with the murder weapon, and went to a building used as an Indian church and passed out. It was at this location that [redacted] was later found.

O'BRIEN said RICHARD MC ARTHUR, 3132 Emerson Avenue South, Apartment 4, Minneapolis, Minnesota, telephone 824-7666, advised Minneapolis officers that he was director of the Minneapolis Office of the American Indian Movement (AIM), 1337 East Franklin, Minneapolis, Minnesota, telephone 333-7193. MC ARTHUR said that [redacted] worked for AIM at his office. On the afternoon of August 25, 1973, [redacted] was ordered to leave the AIM office by MC ARTHUR when [redacted] appeared at the office in a drunken condition. MC ARTHUR said he saw [redacted] later that day some time in the afternoon in a parking lot near the Corral Bar, which is about a half a block from the AIM office.

Interviewed on 8/28/73 Minneapolis, Minnesota File # MP 157-2760
by SA [redacted] cnk MP 70-7060
MP 157-7222
MP 70-6866
58 Date dictated 8/29/73

[redacted] was advised of the identity of the interviewing Agent and that he was about to be interviewed regarding the purchase of a .22 caliber derringer pistol by him which gun was taken from him at Wounded Knee, South Dakota. [redacted] was advised of his rights as set forth on the standard interrogation advice of rights form. He acknowledged he understood his rights and signed his name.

[redacted] advised that he did not know the individual from whom he purchased a .22 caliber derringer in October or November, 1972. He advised he bought this derringer for \$10.00. He stated he wanted this gun for protection for himself when traveling and for his family in [redacted] Kentucky.

[redacted] further stated that at the time of the purchase, he was pretty drunk and that he only remembers that he bought it in front of a pool hall in Somerset, Kentucky.

Interviewed on 11/8/73 at [redacted] Kentucky File # LS 176-35
by S [redacted] pld 59 Date dictated 11/9/73

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

CR 73-5070

Copy to: 1 - USA, DENVER, COLORADO

Report of:

[REDACTED]

Office:

DENVER

b6
b7C

Date:

September 13, 1973

Field Office File #: 157-994

Bureau File #:

Title:

[REDACTED]

Character: STATE FIREARMS CONTROL ASSISTANCE ACT; CRIME ON INDIAN
RESERVATION - EXTREMIST MATTERS-AMERICAN INDIAN MOVEMENT

Synopsis:

Subject along with five other individuals who all stated affiliation with American Indian Movement (AIM) were stopped by CSP, Bayfield, Colorado. This vehicle was stopped because the CSP had received complaints from citizens who stated the occupants of the car had brandished firearms at passing motorists. As the officers approached the vehicle, they observed the occupants passing something behind their backs. Colorado State Patrolman reached into car and recovered a .38 caliber revolver. Occupants were removed from the vehicle and another firearm, a .22 rifle with the stock shortened to appear as a long barreled pistol was located. An examination of the .38 caliber revolver developed that the serial number had been filed off. All occupants were arrested for traffic violations and later charged with State charge of possessing a defaced firearm. Occupants interviewed and subject admitted ownership of revolver. .22 caliber rifle which had been shortened was still longer than required to be violation of NFA. AUSA, Denver, contacted, stated he was undecided whether or not to prosecute. ARMED AND DANGEROUS.

- P -

DETAILS:

This case is predicated on information received from Colorado State Patrolman [REDACTED] as follows:

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On August 21, 1973, Colorado State Patrolman [REDACTED] advised that he and two patrolmen had stopped a vehicle. [REDACTED]

Stop was made because previously they had received complaints from [REDACTED]

citizens that the occupants of this car had brandished guns at passing motorists. At the time they were stopped patrolmen noticed something was being passed inside the car. Sergeant [redacted] stated that when he approached the car he reached behind one of the passengers and recovered a revolver.

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Later, an examination of this revolver determined that the serial number had been filed off the gun.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

9/6/73

Sergeant [redacted] Colorado State Patrol, Durango, Colorado, furnished the following information:

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On August 21, 1973, a complaint was received by a citizen at 3:37 PM that the occupants of a [redacted] were brandishing guns at passing motorists. The citizen stated that the car was driving north on U. S. 550, south of Durango.

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At approximately 4:15 PM, another complaint regarding the same vehicle was received near Bayfield, Colorado. This complainant again stated that the occupants of the car, bearing [redacted] were brandishing firearms at passing motorists.

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At 4:18 PM, this vehicle, [redacted] was stopped by the Colorado State Patrol. At the time of the stop, Colorado State Patrolman [redacted] and Sergeant [redacted] were at the scene. While the officers were approaching the vehicle, it was noticed that something was being passed behind the passengers who were sitting in the back seat.

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Sergeant [redacted] walked to the side of the car and reached to the area where it seemed this object was last passed. At this location, behind one of the rear seat passengers, a .38 caliber revolver was recovered. At this point, [redacted] commanded that all six occupants of the car get out of the car. At this point, the vehicle interior was searched for additional weapons. This search resulted in the recovery of a .22 caliber rifle. The rifle was located on the floor in the back seat.

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A check of the .38 caliber revolver determined that it was loaded. Also it was determined that the serial number of the gun had been filed off. An examination of the .22 caliber rifle determined that it did not have a serial number, it was loaded with one cartridge, the clip had been removed and the stock had been sawed off and sanded to form a hand grip. The length of the barrel on the rifle was 29 inches long.

Interviewed on 8/22/73 at Durango, Colorado File # DN 157-994

SAG

bjc 8/29/73
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The vehicle was checked to determine if it was stolen. It was determined that the [redacted] [redacted] one of the occupants of the car.

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Each of the occupants claimed association with the American Indian Movement (AIM). They were identified as follows:

1.

[redacted] California, Indian male, black hair, brown eyes, 5'5", 120 pounds, date of birth [redacted]

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2.

[redacted] Arizona, Indian female, black hair, brown eyes, 5'5", 170 pounds, born [redacted]

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3.

[redacted] male, brown hair, blue eyes, 5'8", 150 pounds, born [redacted]

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4.

[redacted] South Dakota, Indian [redacted] brown eyes, black hair, 5'10", 160 pounds, born [redacted]

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5.

[redacted] Colorado, Indian male, brown eyes, black hair, 6'2", 150 pounds, born [redacted]

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6.

[redacted] Denver, Indian female, brown eyes, black hair, 5'8", 145 pounds, born [redacted]

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These individuals were transported to La Plata County Jail, Durango, Colorado. They were all charged with possession of stolen property; [redacted] was charged with a traffic violation, no driver's license; [redacted] was charged with allowing an unauthorized person to drive and [redacted] was charged with hitchhiking.

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An attempt was made to interview the occupants to determine who owned the gun. None of the individuals would accept ownership of either gun, just that they were members of AIM.

The American Indian Movement (AIM) was founded in Minnesota in 1968, dedicated to improving conditions for the American Indian. AIM recently led and participated in confrontations with local authorities in Scottsbluff, Nebraska, and the Rapid City - Custer area of South Dakota. AIM led the takeover and occupation of Wounded Knee, South Dakota, in February - May, 1973.

FEDERAL BUREAU OF INVESTIGATION

9/6/73

Date of transcription _____

[redacted] was advised of the identity of Special Agent [redacted]. She was then advised that the purpose of the interview was to discuss their arrest by Colorado State Patrol and the surrounding circumstances.

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At this point, [redacted] furnished the following information:

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On August 17, 1973, [redacted] (LAST NAME UNKNOWN), [redacted] (LAST NAME UNKNOWN) and [redacted] (UNKNOWN), [redacted] (UNKNOWN)

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[redacted] were en route to an American Indian Movement (AIM) meeting in Window Rock, Arizona. When they left Denver, Colorado, on August 17, 1973, she noticed that there were two guns in the car. She noticed the guns, but did not question anyone why they were there.

[redacted] stated that this was her first meeting with the AIM and after the meeting, they all left Window Rock, Arizona, en route to Denver, Colorado.

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Near Durango, Colorado, she noticed [redacted] waving the big gun out of the car. At some point, she heard a gunshot, but did not inquire as to who shot the gun nor did she make any effort to determine if the gun had actually been shot.

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Shortly after this, they were stopped by the Colorado State Patrol. When they were stopped, their seating arrangement was as follows:

Front seat, driver [redacted] right front [redacted] In the back seat, [redacted] was sitting behind the driver, [redacted] was sitting in the middle and [redacted] was sitting on the right side.

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She stated she does not know the owner of either gun and had nothing further to say concerning either the ownership of the guns or why the .38 caliber revolver had been defaced, serial numbers filed off.

Interviewed on 8/22/73 at [redacted] Colorado File # DN 157-994

SA [redacted] bjc

8/29/73

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by _____ Date dictated _____

[redacted] furnished the following
description of herself:

NAME: [redacted]
Sex: Female
Race: Indian
Eyes: Brown
Hair: Black
Height: 5'8"
Weight: 145 pounds
Born: [redacted]
Place: [redacted] New Mexico
Tribe affiliation: Navajo
Address: [redacted]
[redacted] Colorado

Relatives:

Children:

[redacted]

FEDERAL BUREAU OF INVESTIGATION

9/6/73

Date of transcription

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[redacted] was advised of the identity of SA [redacted] and then advised that the purpose of the interview was to discuss her arrest for possession of a stolen firearm and the surrounding circumstances:

[redacted] furnished the following information:

She along with the others travelled from Denver, Colorado, to the American Indian Movement meeting at Window Rock, Arizona. While they were driving to Durango, Colorado, she observed [redacted], holding a big rifle. She thinks that he shot it, but does not know where they were when it was shot. She stated that during most of the trip, she was asleep and had no further details.

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[redacted] furnished the following description of herself:

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Name:	[redacted]
Sex:	Female
Race:	Indian
Height:	5'5"
Weight:	170 pounds
Eyes:	Brown
Hair:	Black
Date of birth:	[redacted]
Place of birth:	[redacted] Arizona
Address:	[redacted] Arizona
Tribal Affiliation:	Navajo

Interviewed on 8/22/73 at [redacted] Colorado File # DN 157-994

by SA [redacted] Ojc Date dictated 8/29/73

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FEDERAL BUREAU OF INVESTIGATION

9/6/73

Date of transcription _____

SA [redacted] was advised of the identity of [redacted] and also advised that the purpose of the interview was to discuss his arrest along with the others and the recovery of a .38 caliber revolver with the Serial Number removed.

[redacted] furnished the following information:

He and a group of people were at the American Indian Movement meeting in Window Rock, Arizona. During this meeting, they danced and sang and after the meeting cleaned up the area. On the way back, he had been drinking and really does not recall any of the trip until they were arrested in Durango, Colorado. He stated that he had difficulty seeing without glasses and he did have glasses with him. The first time he saw a gun, during the trip from Arizona, it was laying on the floorboard in the back seat. He cannot recall when this was.

He stated that he [redacted] are anxious to get out of jail and go back to Denver to care for their two children who have been left with a friend.

[redacted] would not furnish any additional information. [redacted] furnished the following descriptive data regarding himself:

Name:	[redacted]
Race:	Indian
Sex:	Male
Hair:	Black
Eyes:	Brown
Height:	6'2"
Weight:	150 pounds
Date of birth:	[redacted]
Place of birth:	[redacted] South Dakota
Address:	[redacted] Colorado
Tribal Affiliation:	Sioux

Interviewed on 8/22/73

[redacted] Colorado

File # DN 157-994

SA [redacted]

bjc

8/29/73

by

68

Date dictated _____

Relatives:

Children:



9/6/73

Date of transcription

[redacted] was advised of the identity of Special Agents [redacted]. He was then advised that the purpose of the interview was to discuss a traffic stop made by Colorado State Patrol which resulted in the arrest of he and others, among other things, possession of a firearm which had been defaced.

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[redacted] was furnished a copy of "Interrogation; Advice of Rights" form. He read the form, and after this, stated that he understood his rights and desired to discuss the matter.

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He cannot remember the day, but it was one day last week he met other people at [redacted] home in Denver, Colorado. At the time he went there, he did not have a gun, but later determined he was going with them, to take off to a destination he did not know. After this, he went to his own home to obtain extra clothing. At that point he decided to take his gun, a .38 caliber Røhm revolver with him. In addition to the gun, he also took a box of .38 caliber cartridges. That night he returned to [redacted] home and stayed overnight. The following morning, they left Denver, Colorado, in the white Chevrolet sedan. At that time, the other people with him were the same ones arrested with him in Durango, Colorado.

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They left Denver and drove to Window Rock, Arizona. The purpose for the trip was to attend an American Indian Movement meeting. Just outside of Window Rock, Arizona, he decided to leave the group. He felt that the Indians would not welcome him at the American Indian Movement (AIM) meeting.

After leaving the group at Window Rock, he walked around the woods nearby. He had the gun with him at this time and during this walk he met two Indian men. He allowed them to borrow his gun and they, the two Indian men, walked around a small hill and began shooting the gun. During this time he was drinking beer. About an hour later, the two Indian men returned his gun to him.

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8/23/73 [redacted] Colorado DN 157-994
Interviewed on [redacted] File #

SAS [redacted] bjc 8/30/73
by [redacted] dictated

From Window Rock, he walked and hitchhiked until he got into Northern New Mexico near the Colorado Border. Some place in this area, [redacted] along with the rest of the group picked him up. From this point they drove on into Colorado through Durango, and then a short time later were stopped by the Colorado State Patrol and arrested.

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During the trip from Denver to Window Rock, Arizona and again the trip from Northern New Mexico and until they were stopped by the Colorado State Patrol, he attempted to hide his revolver from the other occupants in the car. To the best of his knowledge, none of them knew that he had the revolver. When the police stopped the car, he kicked the gun under something on the floor and then picked it up and then put it behind his back.

[redacted] was asked how the serial number to the gun had been removed. [redacted] advised that to the best of his knowledge the serial number was still on the gun when he left Denver, Colorado. He stated that it must have been the two Indian men who borrowed the gun in the hills at Window Rock, Arizona, who removed the serial number.

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[redacted] was then asked if he had brandished the gun out the car window or if he had seen anyone in the car brandishing the .22 rifle. [redacted] stated while he was hitchhiking he drank numerous cans of beer and also while riding in the car he continued drinking beer. He stated that he was intoxicated during the trip through Colorado and that he was not aware of anyone brandishing a gun or shooting.

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[redacted] was asked how it was that when arrested near Bayfield, Colorado, he was in the same car with the same occupants as when he left Denver, Colorado. He stated that while he was hitchhiking through New Mexico, he had it in his mind that possibly [redacted] and the group may be taking the same route back to Denver, Colorado. He stated it was just a coincidence that this same group of people were driving the same route and were able to pick him up.

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[redacted] stated that he has been having trouble with individuals in Denver, Colorado. Specifically he

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has received threats from a [redacted] and therefore either in May or June of 1973, he purchased a .38 caliber Rohm revolver from Keystone Jewelry Store on Broadway in Denver, Colorado. This gun was then registered and he, [redacted] has a registration at his home in Denver, Colorado.

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Currently he is living at [redacted] Colorado, with [redacted] and the gun registration and cleaning kit is in his basement apartment on Second Avenue, in the bookcase.

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[redacted] furnished the following background information of himself:

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He has never been convicted of a felony. He does have a juvenile record, but would not state further.

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During the Indian confrontation at Wounded Knee, South Dakota, he became curious. He was well aware of the warnings given that curious individuals should not go to Wounded Knee. He disregarded these warnings and at Wounded Knee, unknown to him, he was with a group of people who had in their possession numerous guns. Even though he did not know these guns were in their possession, he was arrested. After this arrest, he was released on a Personal Recognizance Bond.

[redacted] was asked first of all, if the gun a .38 caliber Rohm, was his gun, and for an explanation, regarding serial number removal. [redacted] stated that he knew that the .38 caliber Rohm revolver was his because one of the screws in the grip was loose and he recognized some chips on the grips near the hammer. He stated that he did not remove the

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serial number from the gun and as far as he is concerned, the two Indian men in Arizona, must have removed the serial number. [redacted] stated that he did not take notice of that particular part of the gun when the gun was returned to him.

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[redacted] furnished the following description of himself:

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Name: [redacted]
Race: [redacted]
Sex: Male
Date of birth: [redacted]
Place of birth: [redacted] Michigan
Height: 5'8"
Weight: 150 pounds
Hair: Brown
Eyes: Blue
Address: [redacted]
[redacted] Colorado
[redacted]
[redacted] Colorado
Army Serial Number: [redacted]
Social Security Account Number: [redacted]
Education: High School GED
Relatives: [redacted]
[redacted]
[redacted] Colorado, [redacted]
[redacted]
[redacted] Colorado,

Sister: [redacted]
[redacted]
[redacted] Colorado,

FEDERAL BUREAU OF INVESTIGATION

1.

Date of transcription

9/6/73

[redacted] Undersheriff, La Plata County Sheriff's Office, Durango, Colorado, stated that on August 23, 1973, he sent the .38 caliber Rohm revolver with the serial numbers filed, four inch barrel and a .22 caliber rifle, 29 inch barrel, stock cut off, Mosberg Brand to Colorado Bureau of Investigation for laboratory assistance in locating the serial number on both guns.

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[redacted] stated that all six individuals [redacted] appeared in County Court on August 22, 1973. The traffic charges were dismissed and each were charged with possession of a defaced firearm and bail set at \$1000 each.

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[redacted] stated that after the appearance in court, it was determined that [redacted]

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[redacted] have been released on bond. [redacted] and [redacted] are still lodged in La Plata County Jail.

[redacted] stated that he gained possession of the two guns, the .38 Rohm revolver and the .22 Mosberg rifle from Sergeant [redacted] of the Colorado State Patrol on August 22, 1973.

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Interviewed on 8/29/73 at Durango, Colorado File # DN 157-994

SAS [redacted]

bjc 8/30/73

by

Date dictated

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On August 29, 1973, Assistant U. S. Attorney [redacted] Colorado, was advised of the circumstances of this case. [redacted] stated at this point, it appeared that [redacted] was in violation of the Federal Statute for being in possession of a defaced revolver and moving the weapon interstate. [redacted] stated that before authorizing prosecution he wanted to know whether or not [redacted] actually purchased the gun and if it is registered in his name.

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[redacted] also stated that he would prefer to have local authorities prosecute the matter.

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On August 30, 1973, La Plata County Assistant District Attorney [redacted] stated that the subject along with the other individuals arrested with him in Bayfield, Colorado, on August 21, 1973, have been charged with Colorado State violation 40-12-103 which makes it a State crime for a person to knowingly and unlawfully possess a firearm with the manufacturer's serial number or other distinguishing number or identification mark removed, defaced, altered or destroyed. The penalty for this crime is a class three misdemeanor and carries a penalty of \$50 fine to 6 months or \$750 fine for first offense.

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Mr. [redacted] stated that he would consider prosecuting the individual arrested, but stated he would prefer that prosecution be handled by the Federal Government in view of the fact that this crime is a felony under the laws of the United States Government.

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[redacted] stated that by Colorado Statutes regulating speedy trials, he has six months to try the case and would therefore appreciate knowing the Federal Government's position on prosecution of this matter.

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MP 70-6864

Request from [redacted] Assistant U. S.
Attorney, Sioux Falls, South Dakota, on December 5, 1973.

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1. A request to reinterview [redacted]
was sent to the Los Angeles Division on December 6, 1973.
The results of this interview have, as yet, not been
received by the Minneapolis Office.

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2. A search was made of the files and evidence
in the possession of the Minneapolis Office of the FBI and
no note could be found which had been written by PEDRO
BISSONETTE and given to Special Agent [redacted] It should
be noted that during the 71-day occupation of Wounded Knee
many letters and notes were passed back and forth between
the occupants of Wounded Knee and Government forces, and
this particular note may have been discarded as not
appearing to be of any evidentiary value.

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MP 70-6864

Telephone call from AUSA R. D. HURD, Sioux Falls,
to Special Agent [redacted] Minneapolis:

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1. Request that Bureau of Indian Affairs (BIA)
Police Officers [redacted]
be interviewed in reference to a shooting that took place
the evening of February 27-28, 1973. This shooting took
place in connection with the takeover of Wounded Knee,
South Dakota.

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[redacted] have not been located to
date for interview and continuous attempts are being made
to locate and interview them concerning their knowledge of
this shooting.

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MP 70-6864

2. A request that WILBUR REIGERT who was a hostage during the early part of Wounded Knee be interviewed in reference to his health and to determine if it will be possible for REIGERT to travel from South Dakota to St. Paul, Minnesota in order to testify in the upcoming Wounded Knee trials.

Date of transcription 12/18/73

WILBUR A. RIEGERT was contacted [redacted]

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[redacted] RIEGERT was apprised of the identity of the interviewing agents and was told he was being interviewed about his association with the Wounded Knee Museum and his observations on and subsequent to February 27, 1973.

RIEGERT advised he is an enrolled Chippewa at Bemidji, Minnesota. RIEGERT is 1/8 Indian and was born January 25, 1892, at Mt. Iron, Minnesota. RIEGERT was educated in Indian schools and graduated from Haskell Institute, Lawrence, Kansas, in 1915. RIEGERT moved to Kyle, South Dakota, in 1951, living at Kyle until moving to Wounded Knee in 1958. While residing at Kyle he was Postmaster and became associated with CLYDE and AGNES GILDERSLEEVE.

In 1958, RIEGERT started the Wounded Knee Museum. The museum included the consolidated collections of RIEGERT, the GILDERSLEEVES, and Dr. [redacted] RIEGERT started his collection in 1932 at the Cheyenne Indian Agency. RIEGERT collected his own history and researched along the Missouri and Cheyenne Rivers, and Cherry Creek. He bought some of his items from the Indians such as axes, tomshawks, and wedges. He also purchased items from areas which he could not research.

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In 1968, RIEGERT, CLYDE AGNES, [redacted] Sioux, Inc. This is a South Dakota corporation and was set up for the museum at Wounded Knee. RIEGERT and the [redacted]

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Dr. [redacted] sold most of his collection to the corporation, but left a few items on loan to the museum.

On February 27, 1973, RIEGERT [redacted]

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[redacted] because of his health. About 20 minutes before 8 o'clock in the evening, RIEGERT heard shots in the vicinity of the Trading Post and museum. He was laid down in his bed

Interviewed on 12/12/73 at Rapid City, South Dakota File # MP 70-6832

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by SA [redacted]
SA [redacted]

lec Date dictated 12/17/73
81

by his daughter because of the shooting. She explained to him several individuals were shooting up and looting the Trading Post and the museum.

Approximately 20 minutes to 10 p.m., someone yelled from outside the [redacted] home "come out with your hands up or we'll burn the building down." Someone broke one of the rear windows in the [redacted] home as the crowd gathered outside the residence. [redacted] went out of the house with their hands up.

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RIEGERT was still in bed. [redacted] returned and put RIEGERT in his wheelchair and took him to CLYDE GILDERSLEEVE's house. When RIEGERT was taken out of the [redacted] house, he saw the activity at the Trading Post. He observed 1/2 dozen individuals parading in front of the Trading Post with rifles.

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Two Indian males escorted them to the GILDERSLEEVE's house. The first one was apparently in command and was about 30 years of age. He was armed with an automatic weapon and from the way he handled the weapon, indicated to RIEGERT he knew how to use the rifle. The second was in his 20's and was armed with a revolver. They said they were taking over and "not only said it but proved it." They were told by their assailants that they would not bother their personal belongings, they just wanted to use their place.

There were always several guards in and out of the GILDERSLEEVE house and there was one guard in the room with RIEGERT. Everyone used the bathroom to suit themselves. Everyone stayed in the GILDERSLEEVE house for the remainder of their time in Wounded Knee.

During the days that ensued, RIEGERT became acquainted with several of the people involved in the takeover of Wounded Knee and recalled several experiences.

RIEGERT explained they took his car and the GILDERSLEEVE car and used these vehicles for their convenience. They used the car to haul articles from the store and the museum to the Catholic church on the hill. RIEGERT saw the cars traveling back and forth between these places. RIEGERT described his car as a 1959 Chevrolet, in excellent mechanical condition. He displayed South Dakota title number J14476,

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which reflected a 1959 Chevrolet, Vehicle Identification Number (VIN) F59K100366, registered to WILBUR A. RIEGERT, Wounded Knee, South Dakota. This vehicle was further described as an Impala sports sedan, four door. On the way out of Wounded Knee this car was pointed out to RIEGERT along the Big Foot Road to Pine Ridge, and it had been wrecked.

On the second or third day while in a conversation with two of the individuals involved in the takeover, it was related to RIEGERT that these two individuals were related to a [REDACTED]. RIEGERT explained [REDACTED]

[REDACTED] RIEGERT is also [REDACTED] RIEGERT determined that these two individuals were brothers and were from the Minneapolis area. The older brother was 27 to 28 years of age and was an express member of the American Indian Movement (AIM). It was related to RIEGERT that the younger brother was discouraged from going into Wounded Knee by his parents, but this brother wanted to be with the older brother, so joined him at Wounded Knee.

On one occasion, RIEGERT had conversation with CARTER CAMP. CAMP was in the GILDERSLEEVE house armed with a revolver and acting as a guard. He knew this individual to be CAMP as his name came out in conversation and the minute CAMP's identity was determined, CLYDE GILDERSLEEVE wrote CAMP's name on a piece of paper and slid it between the cushions on the couch. RIEGERT later observed the name on this piece of paper. RIEGERT asked CAMP why he was allowing the stripping of the Trading Post to be done. CAMP told RIEGERT he was not out there and was not involved with the people that were doing that. CAMP stated he was there to preserve life and was not interested in what was being taken from the store. CAMP stated they came for guns, ammunition, clothing, food, and a place to stay. CAMP eventually told RIEGERT to shut his mouth or he would shut it for him. CAMP then shut the curtains so RIEGERT could not see out.

The telephone rang and one of the other guards started to answer it. CAMP said he would answer it and did. It appeared to RIEGERT that the caller was a reporter. CAMP asked who it was and apparently the caller asked the same question. CAMP replied it was none of the caller's business.

At one point the hostages were referred to as prisoners of war. RIEGERT explained this resulted from the tense situation outside.

One day RIEGERT wanted to get outside for some air. The guards finally allowed [] to take RIEGERT outside. A guard was standing on each side as they allowed [] to wheel RIEGERT back and forth in front of the GILDERSLEEVE residence.

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There was general conversation about the Indian treaties. The individuals involved in the takeover wanted to make Uncle Sam understand these treaties.

At one time they told RIEGERT that they understood he was sick with a heart condition and that there was a car ready for him 24 hours a day. On the third day, RIEGERT and the others held captive were told they were free, but RIEGERT explained they had taken away the only vehicles available and there was no way out.

On another occasion, RIEGERT was lying in his bed resting. Two Indian girls came in and took the pillows from under his head. They took the pillow cases off and RIEGERT understood these pillow cases were to be filled and used for sandbags. RIEGERT said one of these girls was known as JEAN.

At one point they were told the Marshals were coming in and were using gas. Everyone was directed to lie on the floor.

RIEGERT heard many shots fired and felt that the most shots were fired on the first night of the siege. RIEGERT related he did not hear many distant shots as he was usually inside. Most of the shots he heard were fired from the vicinity of the GILDERSLEEVE house and the area of the Trading Post and museum. RIEGERT advised the individuals involved in the takeover took a small strongbox of his which contained stock, a note, personal papers, and several personal items. These items included 50 Buffalo nickels and in excess of 125 listed Indian head pennies, one of which was valued at over \$400. The strongbox also contained an ivory cribbage board engraved with Indian historical notations from Alaska.

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He understood this cribbage board was recovered at one of the roadblocks. RIEGERT also listed pictures taken in the early 1930's of MARTHA BAD WARRIOR.

On one occasion, RIEGERT talked with PEDRO BISSONETTE. BISSONETTE told them his name and that he was headquartered at Calico (Calico, South Dakota). At one time BISSONETTE put his arms around RIEGERT and said he was sorry for what was going on. On another occasion BISSONETTE came to the house and told everyone they were going to be moved to the church. They refused and BISSONETTE went back to talk with the leaders. BISSONETTE stated they would not be happy with this refusal. He eventually returned and told everyone it was all right to stay at the GILDERSLEEVE's.

On March 7, 1973, RIEGERT and the other captives were told they were leaving Wounded Knee. [redacted] used his car, and RIEGERT left with [redacted]

[redacted] There were several photographers and press reporters around when RIEGERT was loaded in the [redacted] car. They left that night and RIEGERT was taken directly to the hospital where he remained for 24 days.

It was observed that RIEGERT is confined to a wheelchair. He stated he was physically and medically capable to testify regarding his observations at Wounded Knee, but it was necessary to have [redacted] with him at all times. RIEGERT advised his doctor was a Dr. [redacted] of [redacted] Nebraska.

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On December 20, 1973, Special Agent [redacted] [redacted] contacted Dr. [redacted] at his office in Rushville, Nebraska. Dr. [redacted] advised that WILBUR REIGERT was medically capable of being a witness at the trials in St. Paul. He further advised that REIGERT has a history of a heart condition but is under suitable medication and no complications are expected.

3. A request that a current address for the [redacted] be determined for subpoena purposes.

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MP 70-6832 Sub P

[redacted] jmf

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On December 17, 1973, the following investigation was conducted by Special Agent [redacted] at Minneapolis, Minnesota:

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Mrs [redacted] telephonically advised that

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[redacted]

MP 70-6864

4. A request that AUSAs, Sioux Falls, be provided with a copy of the map provided to Special Agents of the bunkers and defensive positions prepared by [redacted]

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The attached xeroxed sketch of a map was obtained from [redacted] on 3/21/73 by Special Agents [redacted] and the original may be located in Minneapolis file 70-6832-Sub F 1-A-39.

KEEP ATTACHED TO EXHIBIT
MP 70-6832-39

RB-5

Maudesum

Bunker



Preby.
Church

Bunker



Bridge Rocking

Poscopine Road

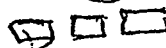
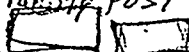
Strawberry Hill

Bunker

Church



Trailing Post



O. Bunker

Church

Bunker

Bunker
Ark



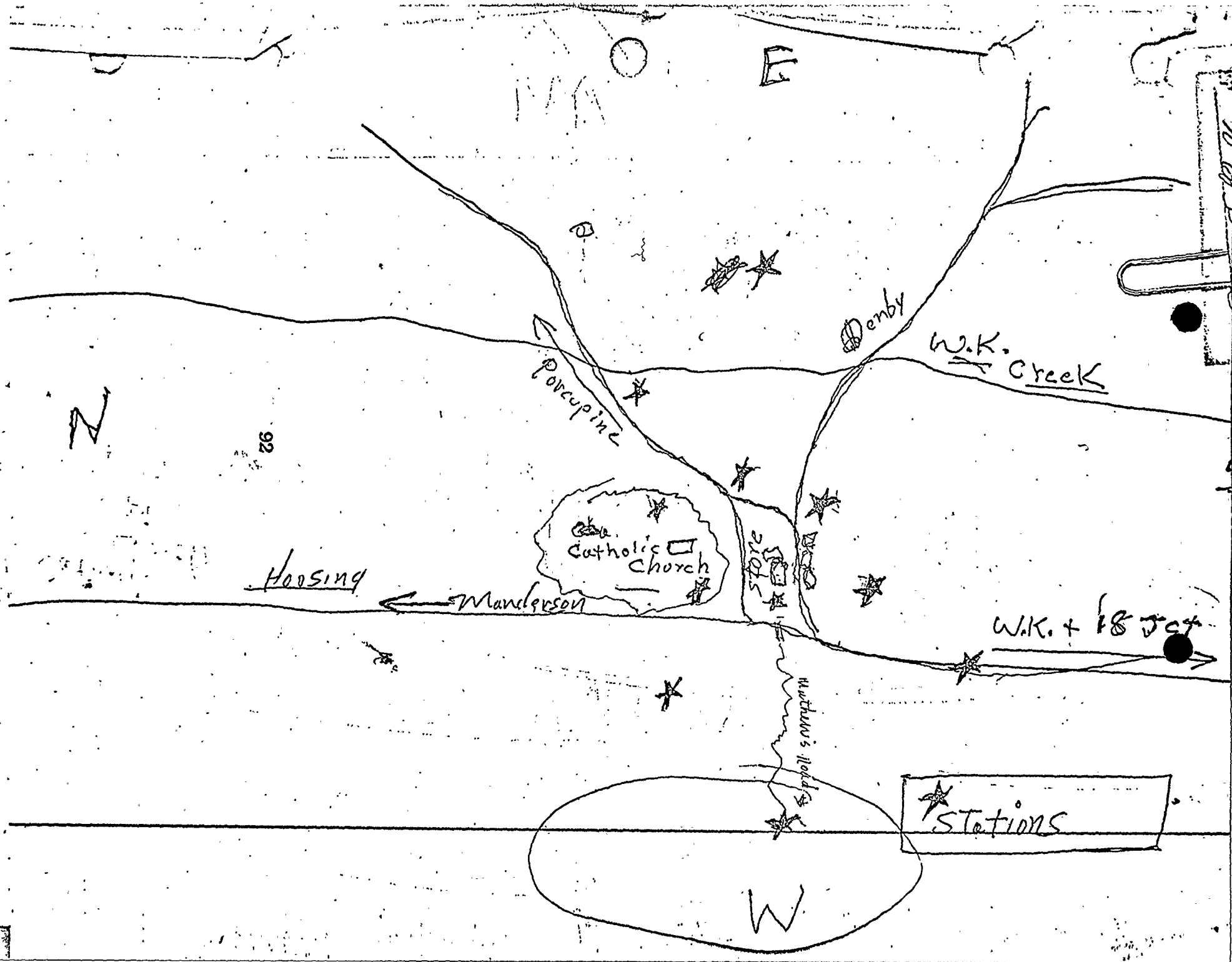
Creek

Hill

Pine Ridge

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~~the attached removed sketch of a man was~~ obtained from
[redacted] on 2/28/73 by
Special Agent [redacted] and the original may be located
in Minneapolis file 70-6832-Sub F 1-A 8.



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5. A request that interviews be obtained or the location of interviews be determined of Agents and Marshals who were assigned to Roadblock 7 on March 2, 1973, and may have been witnesses or victims to a shooting by occupants of Wounded Knee.

A review of Minneapolis files in continuing to locate the names of Agents and Marshals who may have been present at Roadblock 7 and can testify to this shooting.

6. A request to locate photographs taken on March 7, 1973, depicting the dismantling of Molotov cocktails.

This request has been answered under the letter dated December 3, 1973, Request Number 2.

Requests made by AUSA [redacted] and AUSA R. D. HURD to SA [redacted] on December 17, 1973:

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1. Requested a copy of the FD-302 of TONY EAGLE BULL.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription June 15, 1973

LLOYD W. (TOBY) EAGLEBULL, Secretary, Oglala Sioux Tribal Council, Pine Ridge, South Dakota, Indian Reservation, advised as follows:

The history of the political situation which directly led to the takeover of Wounded Knee, South Dakota, by the American Indian Movement (AIM) on February 27, 1973, is directly connected to the political structure of the tribe. The President and Vice President are elected in general Tribal elections which are held in November every two years.

Eight Tribal councilmen are elected by each of the eight districts. Each district votes directly for their representative and in addition the village of Pine Ridge elects a representative; therefore, there are a total of nine councilmen--eight from the Tribal district and one from Pine Ridge. This council system is set up by Tribal constitution and also approved by the Secretary of the United States Department of Interior.

The Secretary of the Tribe is appointed by the Tribal Council. The Treasurer is also appointed by the Tribal Council. [redacted] is an administrative assistant who is appointed by the executive committee. The executive committee is made up of the President, Vice President, Secretary, and Treasurer.

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RICHARD WILSON, who is known as DICK WILSON, was elected in November of 1971 as Oglala Sioux Tribal President and will run for re-election this fall in November, 1973. After WILSON's election in November, the AIM representatives went to Washington, D. C., and took over the Bureau of Indian Affairs (BIA) building. WILSON did not approve of this act and took a very firm stand against AIM's position. As a result DENNIS BANKS, CLYDE BELLECOURT, VERNON BELLECOURT, and RUSSELL MEANS came into direct opposition with WILSON. MEANS was quoted in the newspaper as wanting to dissolve the council type of Tribal government which was in effect on the Pine Ridge Reservation. Actually the previous-mentioned AIM leaders were greatly angered with WILSON's comments and really desired his

Interviewed on 6/8/73 at Pine Ridge, South Dakota File # MP 70-6832-2558

by [redacted] sao

Date dictated 6/12/73b6
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statements nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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removal as well as the dissolvment of the Tribal system of government. MEANS was very interested in running for and gaining the position of Tribal president which was held by WILSON.

As a result of DICK WILSON's stand against AIM and through his encouragement, the Oglala Sioux Tribal Council passed resolution number 7255. This resolution stated that the Oglala Sioux Tribe was against the action of AIM in Washington, D. C. The tribe stated that they did not condone AIM's activities and this served as a trigger for later incidents on the reservation.

They have their ways of getting information. They knew that AIM was going to Scottsbluff, Nebraska, and they also heard of the Custer, South Dakota, situation prior to its occurrence. AIM's leaders are intelligent and they are aware of the history of Custer, the name of the town, and use this for news value.

In addition to his conflict with AIM over the Washington, D. C., situation, WILSON also had individuals on the Tribal Council who, for personal reasons, were out to get him. These council members are [redacted] and HOBART KEITH. After WILSON's comment concerning AIM in Washington, D. C., these three came up with charges in an attempt to impeach WILSON from the office of President. These charges did not amount to anything; and when the impeachment hearing was scheduled, these three council members were not prepared to present the case to the council. They stalled for time and attempted to enforce the 20-day waiting period which is the prerogative of the accused in impeachment proceedings. The accused, DICK WILSON, waived the waiting period and demanded that the charges be immediately brought up on the floor.

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The opponents made the charges but they had nothing to back them up at that point. The charges against DICK WILSON were made for almost purely personal reasons. As an example, [redacted] was not legally qualified to run for election and therefore WILSON refused to seat him for a long time. [redacted] was angry with WILSON because WILSON got rid of RICHARD COLHOFF, Superintendent of Police, BIA, Pine Ridge, South Dakota. WILSON was angry with COLHOFF because COLHOFF did not take positive action against AIM. HOBART KEITH also had a battle with WILSON which was strictly a personality clash. After the councilmen could not make the charges stick against

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WILSON, KEITH threatened to take the charges into Federal Court. The Tribal Council agreed to do this but no further action was taken.

WILSON also used his authority to suspend Tribal council Vice President DAVE LONG. He suspended him because LONG had sent a telegram to Washington, D. C., in support of the AIM takeover. The telegram stated that the Oglala Sioux Tribe supported AIM action in Washington. WILSON maintained that the Vice President had no authority to commit the Tribe to support AIM's destruction in Washington, D. C.

The suspended Vice President comes from a little community called Calico. In addition to disputing LONG's position on the Washington takeover, WILSON used as a basis for dismissing LONG the fact that he would get drunk and refuse to come to work. LONG is now the President of the Civil Rights Group. LONG's relatives got together and made a statement to the effect that if WILSON suspends LONG they would see that WILSON was taken out of office. They formed a considerable number of the Calico group.

At the same time AARON DE SERSA was here as editor of a newspaper called "Shannon County News." It was a very well read newspaper. He was also in opposition to DICK WILSON and Tribal government of any kind. It was not just the Pine Ridge Reservation where he objected to Tribal government but opposed it on any reservation. He added gas to the flame and sat in on every meeting and stirred the people up. He is pretty good at agitating. They later organized in Manderson, South Dakota, and also went to Procupine, South Dakota, and had the people at each of the districts go to the meetings. The biggest majority of individuals in attendance were people from Calico, South Dakota.

They formed what they called the Inter District Company. There are eight districts on the reservation and they called their movement the Inter District Council. Their main purpose was to get DICK WILSON out of office. Then they ran into opposition from people that were not interested and their Inter District Council movement failed. They came and regrouped again under the title of the Civil Rights Group. This is a nice-sounding name and the people on the reservation are acquainted with the Civil Rights acts. It is an impressive title and they had meetings which were well attended.

At this time it was known that the AIM supporters' long range objective was to find a home on some reservation. They selected the Pine Ridge reservation in South Dakota to establish this base. They took advantage of the fact that there was some pretty hot political activities going on.

In the meantime, PEDRO BISSONETTE got arrested for assaulting a BIA officer and he was placed in jail under a high bond. He was released on bond and at a meeting in Calico, South Dakota, made a statement giving credit to AIM representatives for getting his bond reduced. At the Calico meeting the AIM representative said that they had Oglala Sioux chiefs there. They allegedly invited the AIM people to the reservation. This offer had been extended by members of the AIM group. The situation was all cut and dried. At the same time they were having the meeting at Calico they were having a meeting at Porcupine, South Dakota.

On the night of February 27, 1973, when Wounded Knee was taken over, they were having a meeting at Calico and Porcupine, South Dakota. At the proper time the AIM people told their people at Porcupine, South Dakota, to drive to Calico and join the meeting there. The Calico group started driving to Porcupine where they were told they were going to have a pow wow. So, many people innocently drove off from Calico and Porcupine and met at Wounded Knee. They had planned to take over Wounded Knee because it is a historical place and a lot of people in the United States would fall for this sentimental stuff.

The takeover at Wounded Knee was basically a political struggle which AIM took advantage of. Today it is the same thing politically. There are meetings being held every night and individuals want to overthrow the administration. This is despite the fact there is only a couple of months before another election. There are people that are determined to get rid of DICK WILSON and the Tribal Council.

Indian tribes in the United States have a unique relationship with the United States Government. It is a sort of semi-sovereignty. If revolutionary groups could get control of the Tribal body, they would have a real base. If Tribal government can be overthrown, it would mean a total breakdown in authority on the reservation. The people, as a whole, are very poor moneywise. They have a lot of problems and the Tribal Council is aware of them.

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In order for law and order to continue on the reservation, those persons who occupied Wounded Knee should be prosecuted to the fullest extent of the law. An example must be made of these individuals. Mr. EAGLEBULL [REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED] Colorado, for this violation. He cannot see how anyone involved in Wounded Knee can get by without a sentence.

The people on the reservation have seen the AIM representatives get away with violations and violence at Scottsbluff, Nebraska; Custer, South Dakota; and Washington, D. C. If they get away with their violence at Wounded Knee, no one on the reservation is about to testify against them in the future. If these individuals involved in Wounded Knee are not prosecuted by the Federal Government, then their homes are going to get burned, they will be beaten up somewhere, or stopped on the highway. If the Federal Government does not prosecute these people, the law will be taken into the hands of the residents.

2. Requested that reports be reviewed to determine whether or not DENNIS JAMES BANKS was seen by a witness in the Calico Hall.

3. That reports be reviewed to determine whether or not a witness has indicated that weapons were seen at the Calico Hall.

Minneapolis reports and files are currently being reviewed in an attempt to locate information requested in points 2 and 3 above.

4. Requested that it be determined whether or not [redacted] has in his possession any photographs of the Wounded Knee Trading Post prior to its looting on February 27, 1973.

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On December 19, 1973, Mr. [redacted] was interviewed by an Agent of the FBI and advised that he does have photographs depicting the Wounded Knee Trading Post prior to its looting on February 27, 1973; however, these photographs are not immediately available as they are packed away in storage. He advised that he would attempt to locate these photographs and provide them to the FBI.

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5. That it be determined from the Milwaukee Division whether or not [redacted] was an FBI informant at the time he entered Wounded Knee, South Dakota.

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6. That it be determined from the U. S. Marshals Service whether or not [redacted] was an informer for the U. S. Marshals at the time he entered Wounded Knee.

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7. That it be determined whether or not the

[redacted]

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These points have been discussed with AUSA R. D. HURD by SA [redacted] and the results of these requests will be provided to the U. S. Attorney's Office at a later date.

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8. Requested that tape recordings concerning the assaults on Federal Officers SA [REDACTED] SA CURTIS FITZGERALD and U. S. Marshal LLOYD GRIMM be transcribed and a copy of the transcript supplied to the U. S. Attorney, Sioux Falls.

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The radio log tapes for the dates of March 8, and 11, 1973, depicting the assaults on [REDACTED] and CURTIS FITZGERALD are currently being transcribed for the U. S. Attorney's Office and will be provided to them upon completion. Tape recording for March 26, 1973, does not give an account of the shooting of U. S. Marshal LLOYD GRIMM as the U. S. Marshals Service was not on the same radio network as the FBI.

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9. Requested that it be determined who was in charge of the various groups who entered Wounded Knee on May 8, 1973, following the departure of the insurgents.

The following persons were in charge of the teams consisting of Bureau of Indian Affairs (BIA) Officers and FBI Agents which entered the town of Wounded Knee, South Dakota, after the departure of the insurgents:

RICHARD G. HELD, Special Agent in Charge,
Chicago, Illinois - in charge of the overall
operation

SEARCH

VICTOR R. SCHAEFER, Assistant Special Agent
in Charge (ASAC) - in charge of search teams

SA	[REDACTED]	Minneapolis - Team Leader	
SA	FRANCIS M. HENWOOD,	Minneapolis - Team Leader	
SA	[REDACTED]	"	"
SA	[REDACTED]	"	"
SA	[REDACTED]	"	"
SA	[REDACTED]	"	"
SA	[REDACTED]	"	"

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INTERVIEW

CHARLES R. MC KINNON, ASAC - in charge of
interview teams

SA	[REDACTED]	Team Leader
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WEAPON RECOVERY

SA LARRY SCHMIDLE	MAX LADUE
	Team Leader

PHOTOGRAPHY

SA	[REDACTED]	Team Leader
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AUTOMOBILE RECOVERY

SA	[REDACTED]	Team Leader
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10. - 11. That the reports be reviewed for the names of Special Agents who participated in firefights from March 10, 1973, through May 8, 1973. That reports be reviewed to determine whether or not the instance when [redacted] were fired upon when trying to enter Wounded Knee on February 27, 1973, can be located.

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A review of the Minneapolis files is being conducted to identify Agents who participated in firefights from March 10 through May 8, 1973, and also to locate interviews with [redacted] and any other person who may have been fired upon on February 27, 1973, and during any other period of time during the occupation of Wounded Knee. This information will be provided to the U. S. Attorney's Office as soon as it is located and identified.

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12. Requested that the diaries of [redacted] and [redacted] be located and identified as such.

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[redacted] diary is located in the evidence section and identified as 1B-126. The [redacted] diary has not been located to date. Other diaries which may be of interest or of a potential evidentiary nature are identified and located as follows:

Diary of [redacted] located in 1B-90-15

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Diary of [redacted] located in 1B-103.

It should be noted that the [redacted] diary can be located on Page 65 of Minneapolis report dated May 18, 1973, titled "Wounded Knee."

Requests made by AUSAs HURD and [redacted]
to Supervisor [redacted] on December 18 and 19, 1973.

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1. Requested two maps be delivered to Rogers Company, St. Paul, Minnesota, to be reproduced for the Wounded Knee Legal Defense-Offense Committee. These maps are currently in the hands of the Rogers Company for reproductive purposes.

2. Will furnish defense counsel with copies of radio communications tapes for the dates March 9, 24, and 26, and April 17, 19, 21, 24, 25, 26, 27, 20, 1973.

Tapes for March 9, 24, and 26, 1973, have been duplicated and will be turned over to the defense counsel at the same time that other evidence is made available to them. Tapes during April do not exist inasmuch as during April cassette-type tape units were kept on a daily basis only and a determination was made at the end of each day as to whether or not this tape contained any information which would be of interest in the future and if it was not deemed necessary to keep that cassette, it was erased and reused.

3. Requested that the Minneapolis Office furnish the Rogers Company of St. Paul for reproduction all items listed in FD-302s prepared at discovery hearing examinations of evidence in Rapid City by defense counsel.

All evidence identified by defense counsel as that evidence which they wished copies of has been reproduced by the Rogers Company and receipted for by the defense counsel. A copy of this evidence was turned over to members of the Wounded Knee Legal Defense-Offense Committee, December 27, 1973.

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Requests made by AUSA [redacted] on
December 19, 1973, to Supervisor [redacted]

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1. Requested interviews with permanent residents of Wounded Knee concerning information they may have concerning the takeover and occupation of Wounded Knee.

Leads have been set out to interview [redacted]
[redacted] the results of which will be
furnished to the U. S. Attorney upon completion.

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2. Requested that it be determined which U. S. Marshals or FBI Agents entered the village of Wounded Knee to install a radio so that insurgents could be in contact with the Government personnel.

It has been determined that U. S. Marshals
[redacted] entered Wounded Knee and
installed a radio for the use of the occupants of Wounded
Knee to communicate with Government officials. [redacted]
has advised that upon leaving Wounded Knee he and [redacted]
made a written report of their observations. A copy of
this report will be provided to the U. S. Attorney, Sioux
Falls, as soon as it comes into the possession of the FBI,
Minneapolis.

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3. Requested that attempts be made to determine the instances that private aircraft was fired upon by the occupants of Wounded Knee.

Special Agent in Charge JOSEPH H. TRIMBACH advised that he was not aware of being fired upon while in an aircraft on or about February 28, 1973, and would be unable to testify in this regard. Leads have been set out to contact and interview Assistant Director WILLIAM HALL, U. S. Marshals Service, in regard to his knowledge of aircraft being fired upon.

4. Requested that R & S Construction Company of Rapid City, South Dakota, be contacted to determine their exact loss due to the takeover of Wounded Knee.

[redacted] R.&S. Construction Company, Rapid City, South Dakota, has advised that he is the person to whom a Subpoena Duces Tecum should be issued in order to produce records and files of his company which would show losses incurred due to the Wounded Knee takeover by the American Indian Movement (AIM).

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On December 18, 1973, Mr. [redacted] Nebraska, furnished a list of equipment and vehicles he claimed were lost or damaged during the AIM occupation of Wounded Knee. He furnished proof of ownership for a John Deere crawler tractor with backhoe, dump truck and pickup. No such proof could be offered for various other vehicles and tools lost.

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Total loss suffered was estimated by [redacted] at \$14,828 due to loss of or damage to equipment. An additional \$8,000 was lost due to lack of earnings and contract losses during and after the occupation.

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[redacted] advised he was in Wounded Knee working for Sioux, Inc. building an addition to the Wounded Knee Trading Post at the time AIM took over. He further stated that C & E Trucking Company was a part of Sioux, Inc. and [redacted]

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5. Requested that TONY WHIRLWIND HORSE, Superintendent of all schools on the Pine Ridge Indian Reservation, be interviewed to determine the effect of the Wounded Knee occupation on the various school systems located on the reservation.

6. Requested that [redacted] be interviewed in reference to the effect that the takeover of Wounded Knee had on the Bureau of Indian Affairs (BIA) Welfare Program and the administration of the welfare programs at Pine Ridge.

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MP 70-6864

Leads to contact the above persons have been set out and the results of these interviews will be provided to the U. S. Attorney, Sioux Falls, as soon as they are complete.

7. Requested that the location of a large map which was found in the so-called AIM Security Headquarters be located and made available as evidence.

Attempts to date have failed to locate the whereabouts of this map. Efforts are continuing to determine what may have become of it after it was found on May 8, 1973. It is not now located in evidence held by Minneapolis.

The following items are submitted to the U. S. Attorney in response to requests for certified and exemplified copies of felony convictions in the District Courts, State of Minnesota, for DENNIS JAMES BANK and CLYDE HOWARD BELLECOURT.

The State of Minnesota

Plaintiff

AGAINST

Dennis James Banks

Defendant

I, Gerald R. Nelson, Clerk of the above named Court, do hereby certify that I have compared the paper s writing to which this certificate is attached with the original

JUDGMENT ROLL- Numbers 50545 & 57194.

in the action therein entitled, as the same appear ing of record and on file in the said Clerk's office, at the Court House in said Hennepin County, Minnesota, and find the same to be true and correct cop ies thereof, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County, this 21 day of December A.D. 19 73

Gerald R. Nelson
Clerk of District Court.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN } ss.

I, Douglas K. Amdahl, Presiding Judge of the District Court for the Fourth Judicial District, State of Minnesota, do hereby certify that Gerald R. Nelson whose name is subscribed to the foregoing certificate of attestation, is and was at the time of making the same, the Clerk of said District Court, in and for the County of Hennepin, said State of Minnesota, duly elected and qualified, the keeper of its seal and the custodian of its files and records, and that his official acts are entitled to full faith and credit, that I am well acquainted with the handwriting of said Clerk, and verily believe his signature to said certificate to be genuine, and that certificate is in due form and by the proper officer.

Witness my hand at the City of Minneapolis, in said County of Hennepin and State of Minnesota, this 21 day of December A.D. 19 73

By Douglas K. Amdahl
Presiding Judge

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN } ss.

I, Gerald R. Nelson, Clerk of the District Court, Fourth Judicial District, in and for the County of Hennepin, State of Minnesota, do hereby certify that the Honorable Douglas K. Amdahl whose name is subscribed to the foregoing certificate of attestation, is and was at the time of making the same, Presiding Judge of said District Court, for the Fourth Judicial District, State of Minnesota, duly elected and qualified, and that his official acts are entitled to full faith and credit; that I am well acquainted with the handwriting of said Judge, and verily believe his signature to said certificate to be genuine.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County this 21 day of December A.D. 19 73

Gerald R. Nelson
Clerk of District Court.

No. 50545

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT
Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

DENNIS JAMES BANKS

Defendant.

JUDGMENT ROLL

Filed April 15th A. D. 19 66

Adelbert R. Smith

Clerk

By

Deputy

STATE OF MINNESOTA
County of Hennepin } ss.

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA
AGAINST

JUDGMENT

DENNIS JAMES BANKS

Defendant

April 15th A. D. 19 66

At a General Term of said Court begun and holden on the 13th day of September, County Attorney A. D. 19 65, a County Attorney of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said County Attorney, on the 15th day of March A. D. 19 66, presented information to said Court in open Court, in accordance with law, an indictment against Dennis James Banks the defendant above named, charging him with the crime of BURGLARY

And the said defendant Dennis James Banks on the 18th day of March A. D. 19 66, being then before said Court in open Court in his own proper person gave his true name as Dennis James Banks and was then and there duly arraigned upon said information and thereupon pleaded Guilty as charged. Geo. Elwell appeared for the State. H. Marker appeared for the Deft. H. Ingber appeared as the Clerk. J. Kueschke appeared as the Reporter.

Whereupon, and on the 15th day of April A. D. 19 66, the said defendant Dennis James Banks in his own proper person, being then before said Court in open Court—said Court did in accordance with said last plea, duly adjudge the said defendant Dennis James Banks, guilty of the said crime of BURGLARY

and thereafter and on the 15th day of April A. D. 19 66, pronounced sentence upon the said defendant Dennis James Banks, as follows, to-wit: It is considered and adjudged that you, Dennis James Banks as punishment for the crime of BURGLARY of which you have been convicted in this cause, be committed to the Commissioner of Corrections at Stillwater, Minnesota, for a term of years, or until you shall have been thence discharged by due course of law or by competent authority.

Adelbert R. Smith
Clerk of District Court.
By Deputy.

No. 57194

State of Minnesota
COUNTY OF HENNEPIN

DISTRICT COURT
Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

Dennis Banks
Defendant.

JUDGMENT ROLL

Filed February 25th A. D. 19 72

Gerald R. Nelson

By *David A. Rich* Clerk.
Deputy.

STATE OF MINNESOTA

County of Hennepin

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA

AGAINST

JUDGMENT

Dennis Banks

Defendant.

February 25th A. D. 19 72

At a General Term of said Court begun and holden on the 13th day of September, A. D. 19 71, a County Attorney of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said County Attorney, on the 20th day of October A. D. 19 71, presented to said Court in open Court, in accordance with law, an information against

Dennis Banks the defendant above named, charging him with the crime of AGG. Criminal Damage To Property.

And the said defendant on the 23th day of October A. D. 19 71, being then before said Court in open Court in his own proper person gave his true name as Dennis Banks

and was then and there duly arraigned upon said information and thereupon pleaded No Plea. On November 22nd 1971 Deft. plead not guilty. On January 24th 1972 Deft. withdrew not guilty plea and plead Guilty to Criminal Damage to Property, before Judge Elmer R. Anderson.

William Poston for the state.

Larry Leventhal for the Deft.

Bruce Miksarth, clerk

Dick Rose, reporter

Whereupon, and on the 25th day of February A. D. 19 72, the said defendant Dennis Banks in his own proper person, being then before said Court in open Court—said Court did in accordance with said last plea, duly adjudge the said defendant, guilty of the said crime of Criminal Damage to Property

and thereafter and on the 25th day of February A. D. 1972, pronounced sentence upon the said defendant Dennis Banks, as follows, to-wit:

It is considered and adjudged that you Dennis Banks as punishment for the crime of Criminal Damage to Property of which you have been convicted in this cause, be confined in the City Workhouse of the City of Minneapolis, in the County of Hennepin, in the State of Minnesota, for the term of not to exceed 90 days or until you have been thence discharged by due course of law or by competent authority.

Sentence stayed, Deft. placed on probation for One Year and make Restitution.

Gerald R. Nelson

Clerk of District Court.

By

Deputy.

The State of Minnesota

Plaintiff

AGAINST

Clyde Bellecourt

Defendant

I, Gerald R. Nelson, Clerk of the above named Court, do hereby certify that I have compared the paper s writing to which this certificate is attached with the original JUDGMENT ROLL - Numbers 43105; 44976, 46587, 53578, & 57194

in the action therein entitled, as the same appear ing of record and on file in the said Clerk's office, at the Court House in said Hennepin County, Minnesota, and find the same to be true and correct cop ies thereof, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County, this 21 day of December A.D. 19 73

Gerald R. Nelson
Clerk of District Court.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN } ss.

I, Douglas K. Amdahl, Presiding Judge of the District Court for the Fourth Judicial District, State of Minnesota, do hereby certify that Gerald R. Nelson, whose name is subscribed to the foregoing certificate of attestation, is and was at the time of making the same, the Clerk of said District Court, in and for the County of Hennepin, said State of Minnesota, duly elected and qualified, the keeper of its seal and the custodian of its files and records, and that his official acts are entitled to full faith and credit, that I am well acquainted with the handwriting of said Clerk, and verily believe his signature to said certificate to be genuine, and that certificate is in due form and by the proper officer.

Witness my hand at the City of Minneapolis, in said County of Hennepin and State of Minnesota, this 21 day of December A.D. 19 73

By Douglas K. Amdahl
Presiding Judge

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN } ss.

I, Gerald R. Nelson, Clerk of the District Court, Fourth Judicial District, in and for the County of Hennepin, State of Minnesota, do hereby certify that the Honorable Douglas K. Amdahl whose name is subscribed to the foregoing certificate of attestation, is and was at the time of making the same, Presiding Judge of said District Court, for the Fourth Judicial District, State of Minnesota, duly elected and qualified, and that his official acts are entitled to full faith and credit; that I am well acquainted with the handwriting of said Judge, and verily believe his signature to said certificate to be genuine.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County this 21 day of December A.D. 19 73

Gerald R. Nelson
Clerk of District Court

No. 43105

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

Clyde Bellecourt

Defendant.

JUDGMENT ROLL

Filed May 11, 1954 A. D. 19

Philip C. Schmidt Clerk

By *R. L. Brown* Deputy

STATE OF MINNESOTA
County of Hennepin

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA
AGAINST

JUDGMENT

Clyde Bellecourt

Defendant

May 11, 1954

A. D. 19

At a General Term of said Court begun and holden on the 14th day of September, A. D. 1953, a ~~Clerk~~ County Attorney of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said ~~Clerk~~ County Attorney, on the 3rd day of May A. D. 1954 presented information to said Court in open Court, in accordance with law, an indictment against Clyde Bellecourt the defendant above named, charging him with the crime of Robbery in the First Degree. And the said defendant Clyde Bellecourt on the 3rd day of May A. D. 1954, being then before said Court in open Court in his own proper person gave his true name as Clyde Bellecourt and was then and there duly arraigned upon said ~~indictment~~ information and thereupon pleaded not guilty. Thereafter and on the 7th day of May, 1954, Deft. withdrew his plea of not guilty and entered a plea of guilty to Robbery in the Second Degree, before the Hon. John A. Weeks, Judge.

Whereupon, and on the 11th day of May A. D. 1954, the said defendant Clyde Bellecourt in his own proper person, being then before said Court in open Court—said Court did in accordance with said last plea, duly adjudge the said defendant Clyde Bellecourt, guilty of the said crime of Robbery in the Second Degree

and thereafter and on the 11th day of May A. D. 1954 pronounced sentence upon the said defendant Clyde Bellecourt as follows, to-wit:

It is considered and adjudged that you, Clyde Bellecourt as punishment for the crime of Robbery in the Second Degree of which you have been convicted in this cause, be imprisoned confined in the Youth Conservation Commission St. Cloud, Minnesota, ~~for a term of~~ until you shall have been thence discharged by due course of law or by competent authority.

Philip C. Schmidt

Clerk of District Court.

By

R. L. Brown

Deputy.

No. 44976

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

Clyde Howard Bellecourt

Defendant.

JUDGMENT ROLL

APR 16 1958

Filed..... A. D. 19.....

PHILIP C. SCHMIDT

Clerk

By *R. L. Brown* Deputy

STATE OF MINNESOTA
County of Hennepin

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA
AGAINST

JUDGMENT

Clyde Howard Bellecourt
Defendant

APR 16 1958 A. D. 19

At a General Term of said Court begun and holden on the 9th day of September, A. D. 1957, a Grand Jury of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said Grand Jury, on the 7th day of March A. D. 1958, presented information to said Court in open Court, in accordance with law, an indictment against Clyde Bellecourt the defendant above named, charging him with the crime of Burglary in the Third Degree. And the said defendant Clyde Bellecourt on the 10th day of March A. D. 1958, being then before said Court in open Court in his own proper person gave his true name as Clyde Howard Bellecourt and was then and there duly arraigned upon said indictment and thereupon pleaded guilty as charged, before Irving Brand, Judge. Deft. arraigned and plead guilty to one prior conviction on April 16, 1958.

Whereupon, and on the 16th day of April A. D. 1958, the said defendant Clyde Howard Bellecourt in his own proper person, being then before said Court in open Court—said Court did in accordance with said plea, duly adjudge the said defendant Clyde Howard Bellecourt, guilty of the said crime of Burglary in the Third Degree and one prior conviction

and thereafter and on the 16th day of April A. D. 1958 pronounced sentence upon the said defendant Clyde Howard Bellecourt as follows, to-wit: It is considered and adjudged that you, Clyde Howard Bellecourt as punishment for the crime of Burglary in the Third Degree and one prior conviction, of which you have been convicted in this cause, be imprisoned in the Minnesota State Reformatory at St. Cloud, Minnesota, for a term of not to exceed five years, or until you shall have been thence discharged by due course of law or by competent authority.

Sent. stayed for five years.

PHILIP C. SCHMIDT
Clerk of District Court.
By R. F. Baer Deputy.

No. 46587

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

Clyde Howard Bellecourt

Defendant.

JUDGMENT ROLL

Filed December 23, 1960. A. D. 19

Philip C. Schmidt

Clerk

By

R. L. Brown Deputy

STATE OF MINNESOTA

County of Hennepin

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA

AGAINST

JUDGMENT

Clyde Howard Bellecourt

Defendant

December 23, 1960. A. D. 19

At a General Term of said Court begun and holden on the 12th day of September, County Attorney A. D. 1960, a ~~Clerk~~ of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. County Attorney

And said ~~Clerk~~, on the 18th day of November A. D. 1960, presented information to said Court in open Court, in accordance with law, an indictment against

Clyde Howard Bellecourt the defendant above named, charging him with the crime of Burglary in the Third Degree

And the said defendant Clyde Howard Bellecourt on the 18th day of November A. D. 1960, being then before said Court in open Court in his own proper person gave his true name as Clyde Howard Bellecourt and information was then and there duly arraigned upon said ~~indictment~~ and thereupon pleaded not guilty.

Thereafter and on the 16th day of December, 1960, Deft. withdrew his plea of not guilty and entered a plea of guilty as charged, before H. N. Rogers, Judge. Deft. arraigned and plead guilty to two prior convictions on December 23, 1960.

Harlan Coulett appeared for the State.

Gerald Singer appeared for the Deft.

R. D. Brown appeared as Clerk.

Whereupon, and on the 23rd day of December A. D. 1960, the said defendant Clyde Howard Bellecourt in his own proper person, being then before said Court in open Court—said Court did in accordance with said last plea, duly adjudge the said defendant Clyde Howard Bellecourt, guilty of the said crime of Burglary in the Third Degree and two prior convictions.

and thereafter and on the 23rd day of December A. D. 1960, pronounced sentence upon the said defendant Clyde Howard Bellecourt as follows, to-wit:

It is considered and adjudged that you, Clyde Howard Bellecourt as punishment for the crime of Burglary in the Third Degree and two prior convictions, of which you have been convicted in this cause, be imprisoned in the Minnesota State Reformatory at St. Cloud, Minnesota, ~~for a term of~~ until you shall have been thence discharged by due course of law or by competent authority.

Philip C. Schmidt

Clerk of District Court.

By

Deputy.

No. 53578

State of Minnesota
COUNTY OF HENNEPIN

DISTRICT COURT
Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

CLYDE BELLECOURT

Defendant.

JUDGMENT ROLL

FILED

Filed SEP 16 1903 A. D. 19

GERALD R. NELSON
CLERK OF DIST. CT., HENN. CO. Clerk.

By Deputy.

Deputy.

STATE OF MINNESOTA

County of Hennepin

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA
AGAINST

CLYDE BELLECOURT

Defendant.

JUDGMENT

Sept. 16th

A. D. 19 69

At a General Term of said Court begun and holden on the 9th day of September, A. D. 19 68, a County Attorney of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said County Attorney, on the 11th day of June A. D. 19 69, presented to said Court in open Court, in accordance with law, an information against Clyde Bellecourt the defendant above named, charging him with the crime of AGGRAVATED ROBBERY

And the said defendant Clyde Bellecourt on the 11th day of June A. D. 19 69, being then before said Court in open Court in his own proper person gave his true name as Clyde Bellecourt and was then and there duly arraigned upon said information and thereupon pleaded no plea. On June 17, 1969 Deft. plead Not Guilty. Thereafter on Aug. 14, 1969 Deft. withdrew plea of Not Guilty and plead Guilty to Simple Assault before Judge Elmer R. Anderson.

John Tierney appeared for the State.

Doug. Thompson appeared for the Deft.

Ben Brunsvold, Clerk

Herb. Peterson, Reporter

Whereupon, and on the 16th day of Sept. A. D. 19 69, the said defendant Clyde Bellecourt in his own proper person, being then before said Court in open Court—said Court did in accordance with said last plea, duly adjudge the said defendant Clyde Bellecourt, guilty of the said crime of Simple Assault

and thereafter and on the 16th day of Sept. A. D. 19 69, pronounced sentence upon the said defendant Clyde Bellecourt, as follows, to-wit: It is considered and adjudged that you Clyde Bellecourt as punishment for the crime of Simple Assault of which you have been convicted in this cause, be confined in the City Workhouse of the City of Minneapolis, in the County of Hennepin, in the State of Minnesota, for the term of not to exceed Ninety days or until you have been thence discharged by due course of law or by competent authority.

Sent. stayed. Deft. placed on probation for One year.

GERALD R. NELSON

Clerk of District Court.

By

Deputy.

No. 57194

State of Minnesota
COUNTY OF HENNEPIN

DISTRICT COURT
Fourth Judicial District

THE STATE OF MINNESOTA
AGAINST

Clyde Bellecourt
Defendant.

JUDGMENT ROLL

Filed February 25th A. D. 19 72

Gerald R. Nelson
Clerk.

By *Daniel A. Rush*
Deputy.

STATE OF MINNESOTA

County of Hennepin

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA
AGAINST

JUDGMENT

Clyde Bellecourt

Defendant.

February 25th A. D. 19 72

At a General Term of said Court begun and holden on the 13th day of September, A. D. 19 71, a County Attorney of the aforesaid County for the aforesaid General Term of said Court (having been duly selected, drawn and summoned) was impaneled and sworn in accordance with law. And said County Attorney, on the 20th day of October A. D. 19 71, presented to said Court in open Court, in accordance with law, an information against

Clyde Bellecourt the defendant above named, charging Him with the crime of Agg. Criminal Damage To Property

And the said defendant Clyde Bellecourt on the 28th day of October A. D. 19 71, being then before said Court in open Court in his own proper person gave his true name as Clyde Bellecourt

and was then and there duly arraigned upon said information and thereupon pleaded No Plea. On November 22nd 1971 Deft. plead not guilty. On January 24th 1972 Deft. withdrew not guilty plea and plead Guilty ~~XX~~ to Criminal Damage to Property, before Judge Elmer R. Anderson.

William Posten for the state
Larry Leventhal for the Deft.
Bruce Mikworth, clerk
Dick Rose, reporter

Whereupon, and on the 25th day of February A. D. 19 72, the said defendant Clyde Bellecourt in his own proper person, being then before said Court in open Court—said Court did in accordance with said Last plea, duly adjudge the said defendant Clyde Bellecourt, guilty of the said crime of Criminal Damage to Property

and thereafter and on the 25th day of February A. D. 19 72, pronounced sentence upon the said defendant Clyde Bellecourt, as follows, to-wit: It is considered and adjudged that you Clyde Bellecourt as punishment for the crime of Criminal Damage to Property of which you have been convicted in this cause, be confined in the City Workhouse of the City of Minneapolis, in the County of Hennepin, in the State of Minnesota, for the term of not to exceed 90 days or until you have been thence discharged by due course of law or by competent authority.

Sentence stayed, Deft. placed on probation for One Year and make Restitution.

Gerald R. Nelson

Clerk of District Court

By Daniel J. [Signature] Deputy.

MP 70-6864

Also requested by the U. S. Attorney, Sioux Falls, South Dakota, were copies of the contents of a briefcase located in Wounded Knee which is believed to have been the property of STANLEY RICHARD HOLDER.

5 ①
Amir

P.M.
12/24/73

MEMORANDUM TO THE EXECUTIVE BRANCH OF THE OGLALA SIOUX
NATION

RE: OGLALA SIOUX NATION BOUNDARIES UNDER SOVERIEGNTY

TO: DENNIS BANKS
RUSSELL MEANS

FROM: MEREDITH QUINN
(International Legal Advisor)

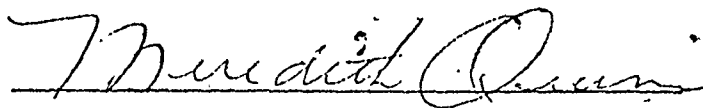
DATE: MARCH 11, 1973

In reference to Russell Means' statement today at Wounded Knee, it is quoted, "We no longer have a perimeter to defend but a border to defend, and if any foreign official representing a foreign government specifically the United States of America, if they approach our boundaries that will be termed as an act of war and dealt with accordingly. . ."

For the Benefit of other nations, and so that there can be no misunderstanding these boundaries of the territories or territory of Wounded Knee must be defined and recognizable according to international law.

At the earliest convenience (URGENT), please mark by your accepted plan the territory boundary of WOUNDED KNEE.

Signed on this day 11 of March 1973.


Meredith Quinn, International
Legal Advisor

7/5 G
AML


TH

MEMORANDUM TO THE EXECUTIVE BRANCH OF OGLALA SIOUX NATION

RE: THE KEEPING OF NATIONAL DOCUMENTS, THE ISSUING OF
CERTIFICATES OF CITIZENSHIP AND THE ESTABLISHMENT
OF COMMISSIONERS OF SECURITY, TRANSPORTATION, ETC.

1. One of the first duties of an independant sovereign nation is that records of all daily business must be kept on a permanent basis in order to fulfill our obligations to visiting foreign dignitaries and to history and for recording the procedures of our nation.
2. We should begin the enrollment and issuing of certificates of citizenship which would also serve as an international passport.
3. You might consider selecting certain members of the working committee to act as temporary commissioners of Security, transportation, Census, Information, and communications, etc. Further an official recording Secretary should be appointed for the nation. It should be recognized that any official records stolen by a foreign agent be construed as an act of high treason or international espionage.
4. This memorandum is to be duly entered into the records of the NEW OGLALA SIOUX NATION.

This memorandum done in the Community Building located at Porcupine, Signature below:


Meredith Quinn, Internat'l Legal Advisor

Signed this day 11 of March 1973.

④ Rye 12/20/73

MEMORANDUM TO ORDER

1. The List of Attorneys cleared by Ramon A. Roubideaux this date are as follows:

1. Ramon A. Roubideaux

2. 

3.

4.

5.

6.

7.

8.

9.

10. Mark Lane

11. 

12.

Terry St
2. List of 6 attorneys to visit Wounded Knee, South Dakota this 25th day of March, 1973 are:

1. Ramon A. Roubideaux

2. 

3.

4. Mark Lane

5. 

6.

3. This memorandum shall be delivered by the U. S. Attorney or his Assistant, to the appropriate authorities on behalf of Defendants, and delivered to the appropriate contact officials to be apprised of the provisions of this Memorandum and Order to which it is attached, for the carrying out of said provisions of said Order.

Dated this 25th day of March, 1973.

TOSH SUYEMATSU
Tosh Suyematsu
Special Assistant U. S. Attorney
for Defendants

MARK LANE

Mark Lane
One of Counsel for Plaintiffs

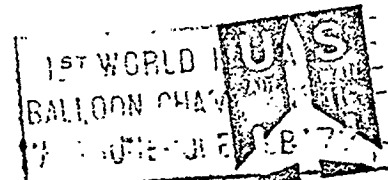
RAMON A. ROUBIDEAUX

Ramon A. Roubideaux
One of Counsel for Plaintiffs

128

Native American Legal Defense and Education Fund
1015 Tijeras, N.W. • Albuquerque, New Mexico 87102 • (505) 247-2449

#60
AML
5/10/73



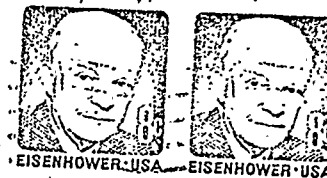
Air Mail

Dennis Banks
Carlton Hotel
Salt Lake City, Utah

(13) *per*
12/20/73

RON PETLE - COORDINATOR
RAPID CITY INDIAN CIVIL RIGHTS TASK FORCE
3105 W. St. Louis
Rapid City, South Dakota 57701

#6 @
Amu
5/14/73



AIR-MAIL

DENNIS J. BANKS
National Field Officer
American Indian Movement
11 So. 3rd West
Salt Lake City, Utah

Room-315

84101

AIR-MAIL

(12) Rtu
12/20/73

#66
AML
5/10/73

Spam March 13, 1973

1. Cadalla Blue Mont. Plate

2. Pick up with Wooden Box Hitch
8:10

3 72 yellow Station Wagon

~~1st 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th~~

4 Gray - Greenish yellow
Vols Wagon.

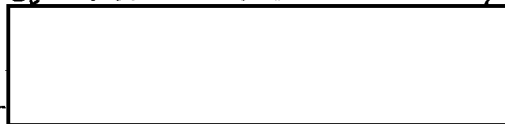
Full 12:5

11 RVC
12/10/73

any other people who want
you - Chick Anthony's people
= Ogala Nation grant. =

Blair
Niche Station Wagon.

2 gal to take 2 succin,
to gate.



#6H
AML
5/14/73

March 14, 1973

Emergency: fill any
Car which could get
out on road.

Maybe we be needing
it if other get in
trouble on road



⑩ RSC
12/20/73

b6
b7C

GLENWOOD MEDIC., S, P.C.

1905 BLAKE AVE. DR. . 907
GLENWOOD SPRINGS, COLO. 81601

#60
AML
5/19/73



Mr
90 Dennis J. Powers
Carlton Hotel
140 East S. Temple
Salt Lake City, Utah

GRX
2/20/73

b6
b7c

132

7 PTV
2/20/77

8 dfr
JMB
2-10-77

RAPID CITY INDIAN CIVIL RIGHTS TASK FORCE
3105 W. St. Louis
Rapid City, South Dakota 57701

January 21, 1973

[REDACTED]
2548 South Federal Street
Chicago, Illinois 60616

b6
b7C

[REDACTED]
On February 2, 3, and 4, 1973, the Rapid City Indian Civil Rights Task Force is sponsoring civil rights hearings on racial discrimination in Rapid City, South Dakota.

You will remember me and Dennis Banks, officials with the American Indian Movement, we both met you during the flood in Rapid City. These hearings will bring out the aftermath of the flood, what happened with the flood appropriations monies, and the fact that Affirmative Action Programs are unheard of in Rapid City. I have enclosed three press releases Dennis and myself have made concerning the situation.

If at all possible we would like to see you here for the hearings and have your involvement. The meetings will be monitored by Dennis Banks, National Field Director of A.I.M., the U. S. Commission on Civil Rights, [REDACTED] for the Equal Employment Opportunity Commission. We have also invited [REDACTED] of NAACP who will be involved from that organization. However, we feel your organization is a truer representation of the black feeling in this country, we want you here at the hearings to help us sensitize this city to a real black organization.

b6
b7C

I have also enclosed a letter from the telephone company requesting addition \$390.00 dollar deposit, the letter came right after I condemned the telephone company in a news release.

We would like to hear from you and when you will be arriving. I can be reached at the above address or at 605-342-1709.

3

RON PETITE, COORDINATOR

cc. American Indian Movement, National Offices
Salt Lake City, Utah

Native American Legal Defense and Education Fund

1015 Tijeras, N.W. • Albuquerque, New Mexico 87102 • (505) 247-2449

8 RHC 12/20/77
National NALDEF Office
1015 Jefferson Place, N.W.
Washington, D.C. 20036
(202) 833-9386

February 28, 1973

American Indian Movement
Mother Butler Center
Rapid City, South Dakota

Gentlemen:

Enclosed are copies of expense reports for Tom Luebben and myself covering our actual expenses in assisting AIM in Rapid City. Total expenses were \$402.01.

We just received \$125.00 from you toward reimbursement of the above expenses. Contribution of the balance of \$277 would be very much appreciated as NALDEF is currently unfunded.

Very truly yours,


John Belindo

JB/cp

cc: Dennis Banks
Carlton Hotel
Salt Lake City, Utah

#6 I
pml
5/14/73

✓ President: Alvin Buster
~~Marvin~~ President: Marvin Billie
Secretary:

b6
b7c

Rules and Regulations
AMERICAN INDIAN MOVEMENT

1. All must be willing to provide and support the movement, this includes work!!!
2. MUST ATTEND ALL MEETINGS
3. Be strongly aware of being an Indian
4. Movement is not to be used for personal gains.
5. Must obey Germantown School rules and regulations, including attending ALL classes
6. Help with donations, and suggestions

Remember that you are an Indian, a member of the movement and this does not mean that you are privileged ^{to} misuse the organization, by means of violence, foul language against White people or people against our movement. Stand up for what you believe, never let someone criticize or make fun of the movement, always talk to them and let them know what it is all about. Please Support our President and Vice-President, back them up on things that you agree on. If you have any suggestion don't be afraid to talk about them. The most important rule is:

THINK & BEHAVE INDIAN



⑤ RX 12/20/73

GLENWOOD MEDICAL ASSOCIATES, P.C.

1905 BLAKE • PHONE (303) 945-5441
GLENWOOD SPRINGS, COLORADO 81601

FAMILY PRACTICE

Orrie G. Clemens, M.D.
David P. Hostettler, M.D.
Bruce D. Lippman, M.D.
Edward E. Mueller, M.D.

GENERAL SURGERY

E. Gordon King, M.D.
Robert W. Viehe, M.D., F.A.C.S.

INTERNAL MEDICINE

Donald M. Megill, M.D.
G. Thomas Morton, M.D.

PEDIATRICS

Terrence E. Kelly, M.D.

MANAGER

Russell E. Bianco

2-5-73

b6
b7C

Plan

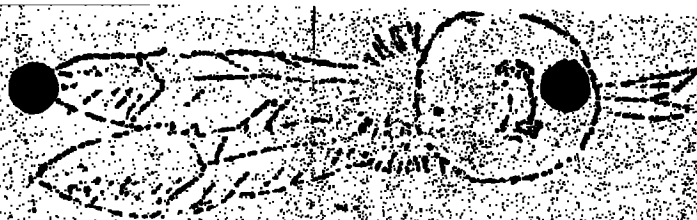
① You have a [redacted]
This is not a serious problem but needs treatment
See your M.D. for the proper medication (my
prescription will not be honored in other states)

②

③

Sincerely
Orrie G. Clemens MD

#2 J
AMC
5/10/73



⑦ RV
AMC

Donations appreciated
from students
Willing to support the
American Indian
Movement
Internation
Chapter

Visitors welcome to attend

Time 12:00 noon
Place 119
at 119

③ R2
12/20/73

ATTENDANCE AT THE MEETING HELD ON FEBRUARY 27, 1973, AT INTERMOUNTIAN INDIAN SCHOOL, IN BRIGHAM CITY, UTAH. MEETING OF THE AMERICAN INDIAN MOVEMENT

Mariva Billie

BLDG. 29

Alvin Buster

BLDG. 29



BLDG. 19

b6
b7C

BLDG. 39

BLDG. 24

BLDG. 16

BLDG. 16

Bldg. 15

BLDG. 63

BLDG. 16

BLDG. 39

BLDG. 39

BLDG.

VISITORS

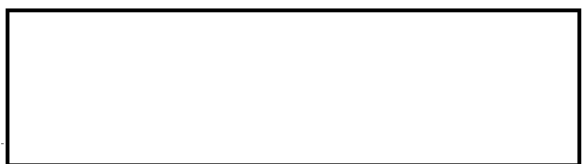


BLDG. 23

SECRETARY



U Mrs.



Acting Leader -

Tattoo on ARM (R)

FEDERAL NARK
CITIZAN LOOK
is MEX.

► HE Likes to
Bust People ◄

#6 F
5/16/73
Ami

CRW
5/10/73

ARCH-BISHOP BANKS, ^{2px 2/10/77}
WE RECEIVED YOUR LETTER
AND WANT TO ACKNOWLEDGE.
SEE YOU GUYS SOON.

KEEP THOSE ROSARIES GOING.
WE'RE RESERVING 3 HRS. EACH
DAY FOR CONFESSIONS FOR AIM
MEMBERS & THE WHITE GIRLS!

Row & Cheryl

#6⑧
AML
5/10/73


13
38

0001

142

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium NEWSPAPER DAILY PUEBLO

from MADRID SPAIN

b6
b7c

0002

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium CON BROADCASTING CORP

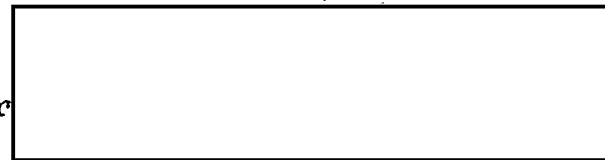
b6
b7C

143

0003

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium CANADIAN BROADCASTING CORP.

b6
b7C

0004

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned.

SIGNATURE

[Redacted Signature]

MEDIUM

Swiss Press

b6
b7c

0005

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

Swain's Press

146

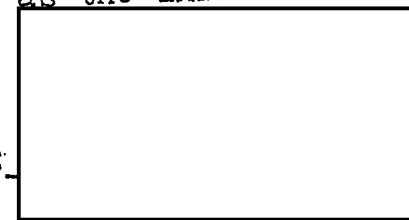
b6
b7C

0006

147

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned.

SIGNATURE



MEDIUM

THE DAILY STAR.

b6
b7C

0007 (12)

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

Los Angeles Free Press

0008

149

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature

[Redacted Signature]

Medium

Ames Daily Tribune & Iowa State Daily

b6
b7c

0009

CTA
KSL
TTC

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature

[Redacted Signature]

Medium

Newspaper (Ames Daily Tribune)

150

b6
b7C

0010

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature



Medium

Anna Sady Winters
Jowa Still Sady

b6
b7c

0011

152

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature

Medium

Edison / E. F. Jones

b6
b7C

OC 12

153

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature



Medium

Television
Cornhusker Broadcasting Corp.
(KOLN-TV)

b6
b7C

0014

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

154

Signature



Medium

ABC Network news

b6
b7C

0015

155

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

ABC Network News

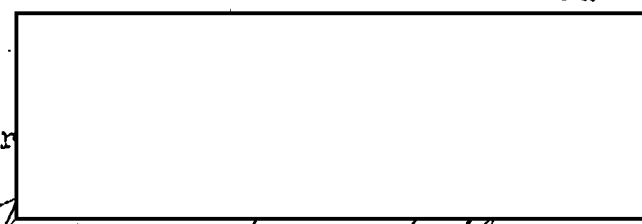
b6
b7C

0016

156

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium BORROWED TIMES & MONTANA KAIMIN

b6
b7C

0017

157

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

Lawyer

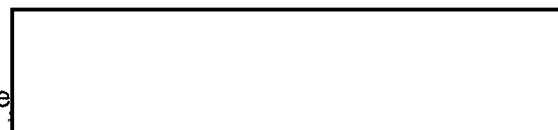
b6
b7c

0018

158

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

KZEL-FM News

b6
b7C

0019

159

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium Daily Cardinal


b6
b7C

0020

160

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

KZEC-FM Oregon

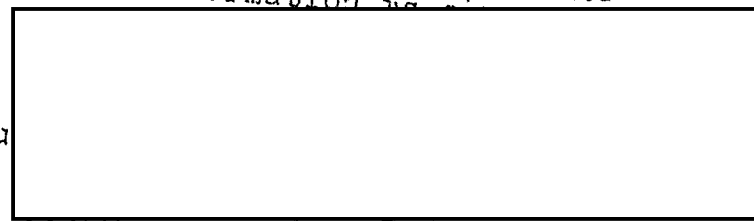
b6
b7c

0021

191

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is

Signature



Medium

Universal Press
Syndicate

b6
b7C

0022

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as

162

SIGNATURE

MEDIUM

Brenda K. B.

b6
b7C

0023

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned.

SIGNATURE



MEDIUM

W HENRY

163

b6
b7C

0024

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature



Medium

VOICE OF AMERICA

b6
b7c

164

0025

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned

165

SIGNATURE



MEDIUM

KIXI RADIO SEATTLE ASH

b6
b7C

0026

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature

Medium

Paul Rodney

b6
b7c

0027

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

167

Signature



Medium

press - pax today

b6
b7c

0028

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium

Press - Box Today

168

b6
b7c

~~0022~~
0029

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

691

Signature



Medium VEJA MAG. BRAZIL

b6
b7c

0030

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

170

Signature



Medium

photo people

b6
b7c

0031

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

171

Signature



Medium WRITER "PLACE" MAG. S.F.

b6
b7C

0032

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

Signature



Medium

News

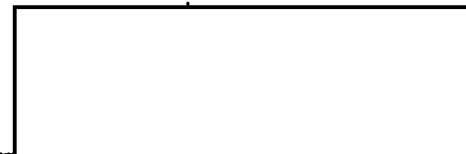
b6
b7C

172

173

I declare openly and without coercion that I am a 0033
legitimate member of a medium and am not a member of
any law enforcement agency nor am I an informant for any
U. S. government agency, Federal, State, County or city.
The news I collect will be given to my medium as a part of
my employment and to no government investigative or law enforce
ment agency. Any information gathered at Wounded Knee is to
be considered confidential as far as the informant is concerned.

SIGNATURE



MEDIUM

ABC News

b6
b7c

0034

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

174

Signature



Medium NBC NEWS

b6
b7C

0036

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned.

175

Signature



Medium

C.B.S. T.V. News

b6
b7c

0037

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176

Signature

Medium

Detroit News

b6
b7c

0038

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature

[Redacted Signature]

Medium

Rudgers Tarquon

b6
b7C

177

178

I declare openly and without coercion that I am a
legitimate member of a medium and am not a member of
any law enforcement agency nor am I an informant for any
U. S. government agency, Federal, State, County or city.
The news I collect will be given to my medium as a part of
my employment and to no government investigative or law enforce
ment agency. Any information gathered at Wounded Knee is to
be considered confidential as far as the informant is concerned.

SIGNATURE

MEDIUM

[Redacted Signature Box]

Ratonee M. News

b6
b7C

I declare openly and without coercion that I am a 0040
legitimate member of a medium and am not a member of
any law enforcement agency nor am I an informant for any
U. S. government agency, Federal, State, County or city.
The news I collect will be given to my medium as a part of
my employment and to no government investigative or law enforce
ment agency. Any information gathered at Wounded Knee is to
be considered confidential as far as the informant is concerned.

179

SIGNATURE



MEDIUM

Rutger V. Davis

b6
b7c

180

I declare openly and without coercion that I am a 0041
legitimate member of a medium and am not a member of
any law enforcement agency nor am I an informant for any
U. S. government agency, Federal, State, County or city.
The news I collect will be given to my medium as a part of
my employment and to no government investigative or law enforce
ment agency. Any information gathered at Wounded Knee is to
be considered confidential as far as the informant is concerned.

SIGNATURE



MEDIUM

Syracuse New Times

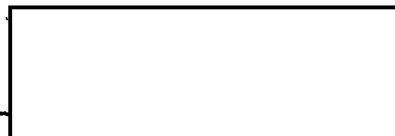
b6
b7C

0042

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

181

Signature



Medium

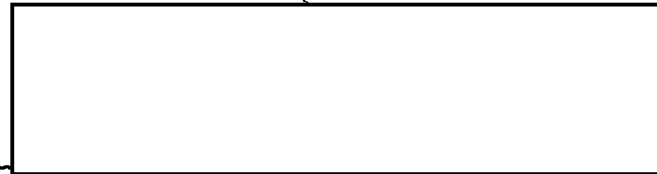
Liberation News Service

b6
b7C

0043

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

Signature



Medium E/ Unit 2 de Norte

0050

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned.

183

SIGNATURE

MEDIUM



John DePaqua

b6
b7C

0051

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U. S. government agency, Federal, State, County or city. The news I collect will be given to my medium as a part of my employment and to no government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the informant is concerned.

SIGNATURE



MEDIUM

The Telegraph-Herald
Dubuque, Iowa

0052

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185

Signatur



Medium Bay Cablevision

b6
b7c

0053

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SIGNATURE



MEDIUM

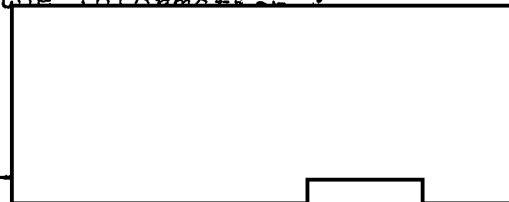
VIDEO / still camera

0054

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is d

187

Signature



Medium

Video / Still Camera

b6
b7C

I declare openly and without coercion that I am a 0055
legitimate member of a medium and am not a member of
any law enforcement agency nor am I an informant for any
U. S. government agency, Federal, State, County or city.
The news I collect will be given to my medium as a part of
my employment and to no government investigative or law enforce
ment agency. Any information gathered at Wounded Knee is to
be considered confidential as far as the informant is concerned.

188

SIGNATURE

MEDIUM

[Redacted Signature]

[Redacted Medium]

Nation

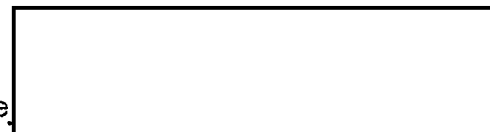
b6
b7C

0056

I declare openly and without coercion that I am a legitimate member of a medium and am not a member of any law enforcement agency nor am I an informant for any U.S. government agency, Federal, State, County, or city. The news I collect will be given to my medium as a part of my employment and to no U.S. government investigative or law enforcement agency. Any information gathered at Wounded Knee is to be considered confidential as far as the information is concerned

189

Signature



Medium

Scholarship

b6
b7C

Dick Wilson-Head Goon

③ RFL
12/0/17 b6
b7C

Commander

Administrative Manager

Training Officer

Officer

Squad Leader

Officer

Squad Leader

Squad Leader

Officer

Squad Leader

Alternate Stand-Bys

Officer

Squad Leader

Officer

Squad Leader

Officer

Squad Leader

MP 70-6864

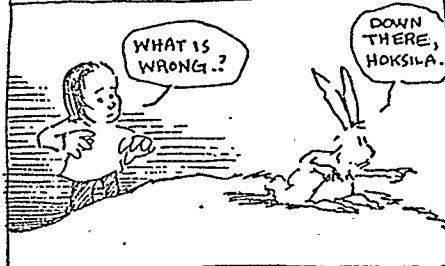
The ten pages entitled "Wounded Knee National Communications Center, 208 11th St. Rapid City, S.D. 57701, tel: 605 348 1005," "Bulletin No. 4, April 4, 1973," "From the Knee / To all their Relations," are not included as the reproduction of these pages was not legible.



HOKSILA AND HIS FRIENDS

ONE MORNING
HOKSILA
TOOK A WALK
INTO THE
HILLS
NEAR THE
HOME OF
HIS FAMILY..

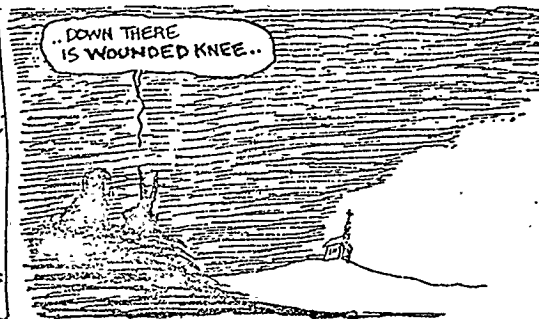
..HIS FRIEND, MASTINCALA, WAS
VERY WORRIED..



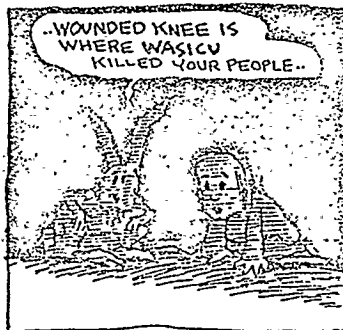
WHAT IS
WRONG?..

DOWN
THERE,
HOKSILA..

..DOWN THERE
IS WOUNDED KNEE..



..WOUNDED KNEE IS
WHERE WASICU
KILLED YOUR PEOPLE..



THE PEOPLE
ARE DOWN
THERE NOW..

I HEAR
FIGHTING



THERE
IS WAR
THERE..

WHY?



WE WILL
GO ASK
MATO..
HE WILL
KNOW



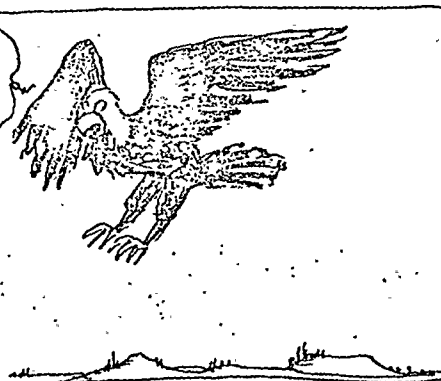
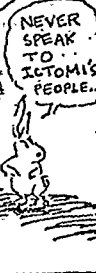
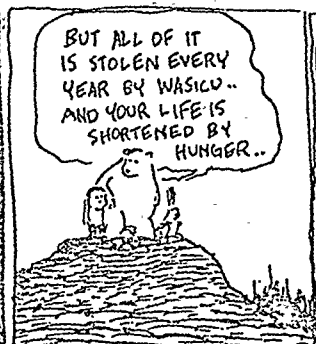
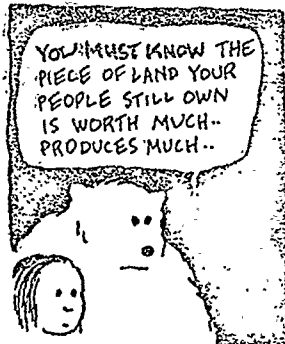
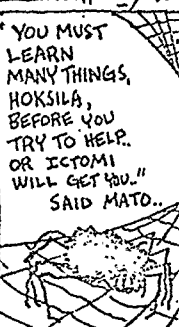
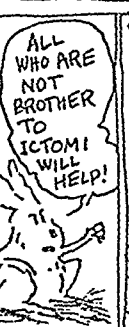
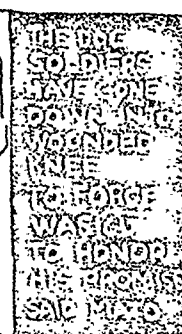
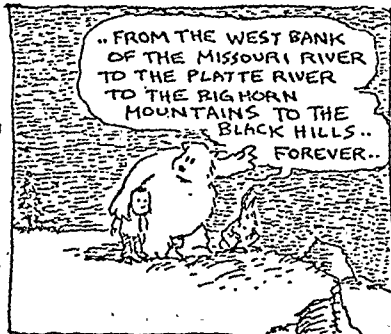
THE FRIENDS
FOUNDED
MATO
WAS
HAVING A
BREAKFAST
OF BREAD
FROM AN
OLD BREAD
TREE

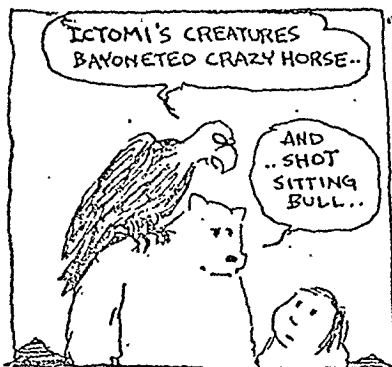
HAU, HOKSILA..
HAU, MASTINCALA..

WE WISH
TO ASK
YOU ABOUT
WOUNDED KNEE..



MATO TOLD THEM OF THE 1868 TREATY WITH WASICU THAT PROMISED THE TETON SIOUX ALL THE LAND..

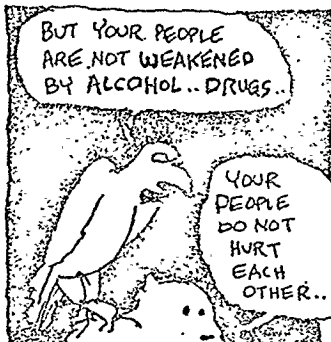




ICTOMI'S CREATURES
BAYONETED CRAZY HORSE...

AND
SHOT
SITTING
BULL...

"ICTOMI
HAS MANY
CREATURES
IN HIS
WEB..."
SAID
WANBLI..
"AND THESE
CREATURES
SAV THEY
ARE YOUR
PEOPLE..."



BUT YOUR PEOPLE
ARE NOT WEAKENED
BY ALCOHOL...DRUGS...

YOUR
PEOPLE
DO NOT
HURT
EACH
OTHER...



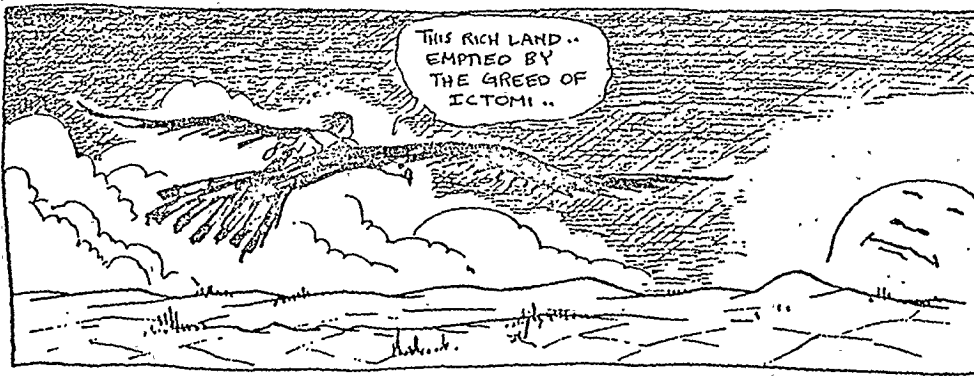
HOLD ON
TIGHT,
LITTLE
BROTHER.. I
WILL SHOW
YOU ICTOMI!



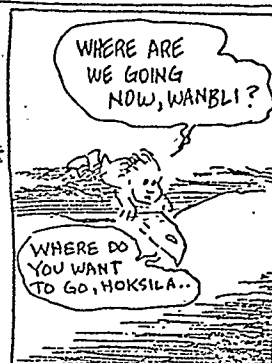
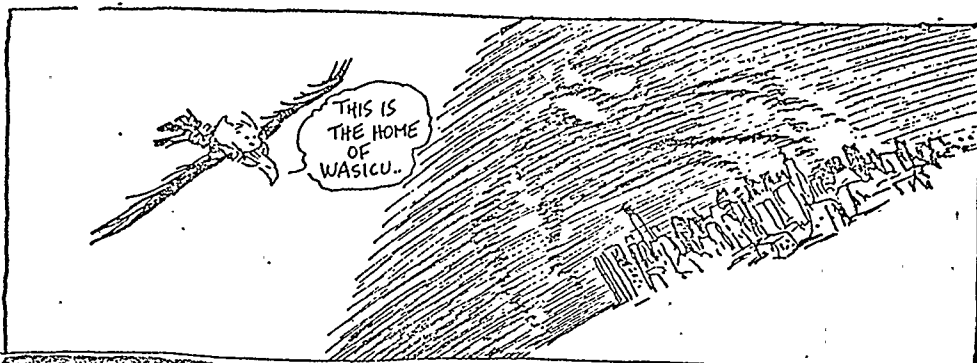
YOUR PEOPLE LIVE
IN HOUSES THAT
FALL APART...



WASICU HAS NOT THE
COURAGE TO FOLLOW HIS
RELIGION.. BUT HE WILL
STAMP IT INTO YOUR LAND AND
USE IT TO STEAL FROM YOU...



THIS RICH LAND..
EMPTYED BY
THE GREED OF
ICTOMI..



ACHARA AIRAGH

⑤ R7C
2/20/73

MANIFESTO OF THE WOUNDED KNEE AIRLIFT

TO THE INDEPENDENT OGLALA NATION AND THEIR FRIENDS AT
WOUNDED KNEE: YOUR STRUGGLE FOR FREEDOM AND JUSTICE IS OUR
STRUGGLE. OUR HEARTS ARE WITH YOU.

TO THE PEOPLE OF AMERICA:

The delivery of these packages of food to the courageous people in Wounded Knee is being carried out by a large number of Americans who have worked, and continue to work to end American aggression in Indochina. We look on with horror and dismay as the U.S. Government and President Nixon ignore the lessons of their failure in Vietnam and once again attempt to block the road to justice and self-determination for an independent and freedom-loving people.

It is indeed ironic that our actions are occurring during the concluding days of the Pentagon Papers trial in Los Angeles. Just as those Papers expose the lies and deception of our secret policies in Indochina, Wounded Knee exposes the treacherous treatment of the American Indian. The fight against these policies is a fight against an unyielding and brutal government which makes the poor of the world the victims of its search for power and profit.

It is the responsibility of every patriotic American to contribute to these common goals of dignity and freedom. Our brothers and sisters at Wounded Knee have shown us that the poor in America become the strong and the just in struggle. Those of us in the anti-war movement have much to learn from them, and we must realize that the frustration and disillusionment which we may personally feel are only symptoms of a misunderstanding of our real ability to affect the course of this country's policies. Wounded Knee shows us that just struggles cannot be stopped by any President or any policy.

The buffalos that gave life to the Sioux were killed by American rifles, just as the rice that gives life to the Vietnamese was destroyed by American chemicals and bombs. But the people of Indochina are moving steadily toward freedom and independence, and so too are the people who were the first Americans.

Operational Date: 14 April 1973
Location: Above Wounded Knee,
South Dakota

*The Wounded Knee
Airlift*

K7
12/20/77

SIX NATIONS COUNCIL OF CHIEFS
OF THE IROQUOIS CONFEDERACY

P. O. Box 152

Nedrow, New York

WHY ARE THE INDIANS AT WOUNDED KNEE?

The Six Nations Council of Chiefs of the Iroquois Confederacy, stands in support of our brothers at Wounded Knee.

We find it deplorable that the Native Americans have to risk their very lives to focus attention on the terrible conditions of our people in this country. We cite the poor health conditions, education, welfare, illegal drafting of our people, and the utter disregard for the Treaties that we have paid for with our lives as examples of these conditions.

The issues are national and international, the honor and credibility of the United States is at stake. You should be concerned, all of the people of the United States should be concerned, the President of the United States should be concerned, and further, he should make a statement to that effect. Native Americans should be the top priority of this nation. We number less than 1 per cent of this country's population: now why is it so hard to take care of the obligations to our people that have been promised and promised and promised.

The people at Wounded Knee are making a statement. The question is not what damage of destruction of property has occurred, but why it becomes necessary for our people to have to resort to such extremes to gain some recognition of our desperate situation.

We are a free people. The very dust of our ancestors is steeped in our tradition. This is the greatest gift we gave to you, the concept of freedom. You did not have this. . . now that you have taken it and built a constitution and country around it, you deny freedom to us. There must be some one among you who is concerned for us and if not for us, at least for the honor of your country. In 1976, you are going to have a birthday party proclaiming 200 years of democracy, an hypocritical action. The people of the world would find this laughable.

The solution is simple: be honest, be fair, honor the commitments made by the founding fathers of your country. We are an honorable people. . . can you say the same. You are concerned

for the destruction of property at the BIA building and at Wounded Knee. Where is your concern for the destruction of our people, for human lives. Thousands of Pequots, Narragansetts, Mohicans, thousands of Cherokees on the Trail of Tears, Black Hawk's people, Chief Joseph's people, Captain Jack's people, the Navajos, the Apaches, Sand Creek massacre, huddled under an American flag seeking the protection of a promise, Big Foot's people at Wounded Knee. When will you cease your violence against our people. Where is your concern for us?

What about the destruction of our properties? The thousands of square acres of land, inundated by dams built on our properties, the raping of the Hopi and Navajo territories by the Peabody strip mining operations, timber cutting, power companies, water pollution and on and on. Where is your concern for these properties?

The balance of the ledger is up to you. Compare the property damage of the BIA and Wounded Knee against the terrible record and tell us that we are wrong for wanting redress. We ask for justice and not from the muzzle of an M-16 rifle. Now what is to occur?

Remove the marshalls and FBI men. They are hostile and eager to exercise the sanctions of the United States to subjugate the Indian people. Do not prosecute the Indians for the methods used to gain your attention, for the fault actually lies with the government of the United States for ignoring Indian for so long.

Put your energies and money now being expended for the suppression of Indian people at Wounded Knee into a real effort to understand why they are there. And begin here in the capital through an investigation of the BIA, and of the government policies dealing with our most urgent needs.

Reaffirm and respect the treaties entered into between our two peoples.

Put your house in order with respect to our people, so that we may continue to coexist in peace and friendship as our grandfathers and their grandfathers before them tried so hard to do.

Show us you are sincere and remember the Creator loves all life and peoples and favors none above the other.

We have not asked you to give up your religions and beliefs for ours.

We have not asked you to give up your language for ours.

We have not asked you to give up your ways of life for ours.

We have not asked you to give up your government for ours.

We have not asked that you give up your territories to us.

Why can you not accord us the same respect. For your children learn from watching their elders, and if you want your children to do what is right, then it is up to you to set the example.

This is all that we have to say at this moment.

JO-AG-QUISHO
OREN R. UPONS
TWO-LE CLAN CHIEF
ONONOGA NATION
IROQUOIS CONFEDERACY.

Onch,

The Six Nation's Council of Chiefs
of the Iroquois Confederacy

HARRY R. JACOBS JR
2291 Mt Hope Rd
SARASOTA N.Y. 14132
TUSCARORA NATION
~~2291 Mt Hope Rd~~

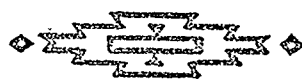
CHIEF - THE HEN-NA-SO-PO-THA.
WILLIAM KAZORE, JR
ONONOGA INDIAN RES
ONONOGA NATION

*no other sentos will change this land
our own was the*

*Steady Seasonable
Hounded Knee
dependent Ogla Nation*

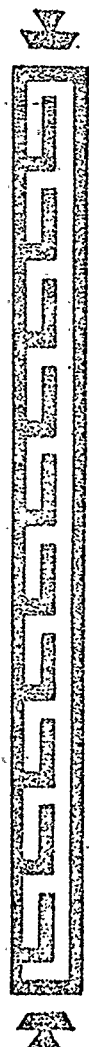


INDIAN PRAYER



REAT SPIRIT

GRANT THAT I
MAY NOT CRITICISE MY
NEIGHBOR UNTIL I HAVE
WALKED A MILE IN HIS
MOCCASINS.



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 1/3/74

FROM : SA TRENWITH S. BASFORD

SUBJECT: RUSSELL MEANS;
DENNIS BANKS;
CIR - BURGLARY,
LARCENY; ARL; AFO.

WOUNDED KNEE

U. S. Attorney has requested that SAs [redacted] be available for testimony at trial of above subjects at St. Paul, Minnesota, on 1/13/74; trial to be held in Federal Building and U. S. Court House, 316 North Robert Street.

b6
b7C

Agents are requested to report to St. Paul Resident Agency on afternoon of 1/13/74 at which time FD-302's and pertinent evidence necessary for testimony will be furnished to them. A pre-trial conference will also be held that date with pertinent AUSA in same building.

SA [redacted] will testify regarding FBI Agents, Marshals and BIA Agency Officers being fired upon on 2/27/73 and/or 2/28/73 and/or 3/2/73.

b6
b7C

SA [redacted] will testify regarding movement of caravan traveling to Wounded Knee from Calico, South Dakota meeting house on 2/27/73.

b6
b7C

SA [redacted] will testify regarding actions of defendants the night of 2/27/73 and regarding the receipt of a list of demands made and conversations with the various co-conspirators.

b6
b7C

6 - Minneapolis (1 - 70-6832-Sub Q)

TSB:wkb

(6)

SEARCHED	INDEXED
SERIALIZED	FILED

b6
b7C



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS [REDACTED]

DATE: 1/3/74

b7D

FROM : SA RAYMOND H. WILLIAMS

SUBJECT [REDACTED]

At 10:45 a.m., 1/3/74, SA [REDACTED] Des Moines, Iowa Resident Agency, telephonically advised that

b6
b7C
b7D

[REDACTED]
[REDACTED] He
stated [REDACTED]
[REDACTED]

He also stated [REDACTED]

11 - Minneapolis

- (1 - 70-6864)
- (1 - 70-6882)
- (1 - 157-846)
- (1 - 157-1460)
- (1 - 157-3371)
- (2 - 157 [REDACTED])

RHW:wkb
(11)



5010-108-02

70-6882-728

b6
b7C

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7C
b7D
b7E

[redacted]
[redacted] stated [redacted]
[redacted]
[redacted]

[redacted] was given names of SA [redacted] and
SA RAYMOND WILLIAMS [redacted]
[redacted]

NR 011 MP CODED

9:45PM NITEL 1-4-74 AGL

TO DIRECTOR, FBI

ATTN: JOHN C. GORDON, ROOM 2266,

GENERAL CRIME UNIT, GENERAL INVESTIGATIVE UNIT

CHICAGO 10:45p OJD

KANSAS CITY 10:55p JAN

NEWARK 11:30p JWC

OMAHA 9:30p SOT

FROM MINNEAPOLIS 70-6882 3P (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS, CIR -

BURGLARY; LARCENY; ARL; AFO, WOUNDED KNEE.

SA'S

NEWARK DIVISION;

CHICAGO DIVISION;

OMAHA DIVISION; AND

KANSAS CITY DIVISION, HAVE BEEN REQUESTED

BY THE USA'S OFFICE, FEDERAL BUILDING AND U.S. COURT HOUSE,

315 NORTH ROBERT STREET, ST. PAUL, MINNESOTA, TO REPORT TO

THE ST. PAUL RESIDENT OFFICE OF THE FBI ON 1-14-74, 8:00 CLOCK

AM FOR PRE-TRIAL CONFERENCES AND FOR TESTIMONIAL PURPOSES

BEGINNING 1-14-74, IN CONNECTION WITH TRIAL OF MEANS AND BANKS

WHICH IS SCHEDULED TO COMMENCE 1-8-74.

USA HAS ADVISED HE CONSIDERS THESE AGENTS TO BE ESSENTIAL

END PAGE ONE

b6
b7c

70-16729

PAGE TWO

MP 73-6882

FOR THE FOLLOWING REASONS:

SA'S [REDACTED] CAN TESTIFY RE FACTS TO SHOW
INTENT OF DEFENDENTS TO GO ONTO THE PINE RIDGE INDIAN RE-
SERVATION, TRAVELING FROM RAPID CITY, SOUTH DAKOTA, AND
INTENT OF DEFENDENTS TO INCITE A RIOT. BOTH AGENTS WERE IN
ATTENDANCE AT MEETING WHERE DEFENDENTS AND OTHERS MADE PLANS
AND PREPARATIONS. [REDACTED]

b6
b7C
b7F

SA [REDACTED] IS NECESSARY TO SHOW MOVEMENTS OF A CARAVAN
TRAVELING TO WOUNDED KNEE, SOUTH DAKOTA, FROM THE CALICO,
SOUTH DAKOTA, MEETING HOUSE. THIS TESTIMONY IS NEEDED TO
SHOW GROUP MOVEMENT IN FURTHERANCE OF THE CONSPIRACY TO TAKE
OVER WOUNDED KNEE. AGENT [REDACTED] TRAVELED WITH THE CARAVAN
OBSERVING THE MOVEMENT AND OBTAINING LICENSE NUMBERS.

b6
b7C

SA [REDACTED] WITNESSED AND WAS ONE OF THE FBI AGENTS,
MARSHALS AND BUREAU OF INDIAN AFFAIRS (BIA) OFFICERS WHO
WERE FIRED UPON ON THE NIGHT OF 2-27-73 AND/OR 2-28-73 AND/
OR 3-2-73. THIS IS ESSENTIAL TO PROVE THE ASSAULT ON AND
IMPEDING OF FEDERAL OFFICERS.

b6
b7C

END PAGE TWO

PAGE THREE

MP 73-6882

SAC, MINNEAPOLIS, CONCURS WITH USA THAT TESTIMONY OF ABOVE AGENTS IS ESSENTIAL.

LIMOUSINE SERVICE IS AVAILABLE FROM MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT TO HOTEL HILTON, ST. PAUL, MINNESOTA, WHERE RESERVATIONS WILL BE MADE.

HILTON HOTEL, 11 EAST KELLOGG BOULEVARD, IS LOCATED ONE BLOCK FROM THE FEDERAL OFFICE AND U.S. COURT HOUSE BUILDING. AGENT, AFTER ARRIVAL AT HOTEL, SHOULD TELEPHONICALLY ADVISE MINNEAPOLIS FBI OFFICE, 339-7861, OF HIS ARRIVAL. AGENTS ARE TO REPORT PROMPTLY TO THE FBI, ST. PAUL RA LOCATED IN THE FEDERAL BUILDING AND U.S. COURT HOUSE, 316 NORTH ROBERT STREET, ST. PAUL, MINNESOTA, AT 8 O'CLOCK AM, 1-14-74, WHERE FD-302'S AND NECESSARY EVIDENCE PERTINENT TO HIS TESTIMONY WILL BE FURNISHED TO HIM. AGENT SHOULD REPORT AS ABOVE, UACB.

AGENT WILL BE ADVISED IF THERE IS ANY ANTICIPATED CHANGED IN SCHEDULING OF TESTIMONY.

END.

WA PLS ACK FOUR

36 35 12 11

MRF FBI HDOS

CLR

1/8/74

AIRTEL

AIR MAIL

TO: DIRECTOR, FBI
(ATTENTION: JOHN C. GORDON, ROOM 2268
GENERAL CRIMES UNIT
GENERAL INVESTIGATIVE DIVISION
AND OFFICE OF LEGAL COUNSEL)

FROM: SAC, MINNEAPOLIS (70-6864) (P)

SUBJECT: DENNIS JAMES BANKS
CR - BURGLARY, ET AL

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA;
CONSOLIDATED AIM TRIALS
SIOUX FALLS, SOUTH DAKOTA
EH

Enclosed is one copy each of Motion to Dismiss and Memorandum in Support of Motion to Dismiss for Lack of Jurisdiction.

These documents were filed with the U. S. District Court for the District of South Dakota, Western Division, on 1/7/74, at St. Paul, Minnesota.

Defense has requested time to review the materials and arguments will be at a later date. Bureau will be kept advised.

3 - Bureau (ENC. 2)
5 - Minneapolis (70-6864)
① - 70-6882
(1 - 70-6832-Sub P)

TJB:whh
(8)

732

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

United States of America,

Plaintiff,

-vs-

Dennis Banks,

Defendant.

CR 73-5034
CR 73-5062

United States of America,

Plaintiff,

-vs-

Russell Means,

Defendant.

CR 73-5035
CR 73-5062

MOTION TO DISMISS

I. Defendants herein move the Court for an order thereof dismissing the following counts of the respective indictments issued against them on the grounds that they each fail to allege facts and/or specify a criminal offense over which the Court has jurisdiction:

- A. 1. Counts III, IV, V, VII and IX of Indictment No. Cr 73-5034 dated March 20, 1973, issued against defendant Dennis Banks.
2. Counts III, IV, V, VII and IX of Indictment No. Cr 73-5035 dated March 20, 1973, issued against defendant Russell Means.
3. Counts I and II of Indictment No. Cr 73-5062 dated April 10, 1973, issued against defendant Dennis Banks.

2. Counts I and II of Indictment No. Cr 73-5063 dated April 10, 1973, issued against defendant Russell Means.

The Court herein lacks jurisdiction due to the following:

The offenses alleged in said counts:

1. Do not arise under the Major Crimes Act, 18 U.S.C. §1153; and
2. Federal criminal jurisdiction under 18 U.S.C. §1152, relative to said counts is precluded because said jurisdiction of U.S. District Court does not extend to:
 - a. "offenses committed by one Indian against a person or property of another Indian;"
 - b. "any Indian committing any offense in Indian country, who has been punished by the local law of the tribe;" or
 - c. "Where, by treaty stipulations, the exclusive jurisdiction over said offenses is or may be secured to the Indian tribes respectively." (18 U.S.C. §1152)

II. The defendants further move the Court to dismiss Count I of the respective aforementioned indictments issued against them on March 20, 1973 on the grounds that it does not set forth an offense included within the Major Crimes Act, 18 U.S.C. §1153, upon which said respective counts purport to be based.

The motions herein are based upon 18 U.S.C. §1152, 18 U.S.C. §1153, the Treaty with the Sioux of 1868, various cases to be cited to the Court, the attached Memorandum and all the files and records herein.

Dated: January 7, 1974..

Attorneys for Defendants

or

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

United States of America,

Plaintiff,

-vs-

CR 73-5034
CR 73-5062

Dennis Banks,

Defendant.

United States of America,

Plaintiff,

-vs-

CR 73-5035
CR 73-5062

Russell Means,

Defendant.

MEMORANDUM IN SUPPORT OF

MOTION TO DISMISS FOR LACK OF JURISDICTION

Defendants have brought a motion to the Court, moving that Counts III, IV, V, VII, and IX of the respective indictments issued against defendants Dennis Banks and Russell Means on or about March 20, 1973, and Counts I and II of the indictment issued against these defendants on or about April 10, 1973, be dismissed due to lack of jurisdiction of the Court.

It is the position of the defendants that the United States District Court has jurisdiction only to try those offenses specifically enumerated in the Major Crimes Act, 18 U.S.C. §1153. None of the counts specified hereinabove are charged under 18 U.S.C. §1153. Defendants also seek the dismissal of Count I of the indictment issued on or about March 20, 1973, since while that count does specify a violation of 18 U.S.C. §1153 and apparently attempts to recite a charge of burglary, it incorporates the law of the State of South

70-6882-750

Dakota as contained in Section 22-32-9, such statute specifying a crime which is not the common law of burglary.

Defendants base their motions to dismiss on the Court's lack of jurisdiction under the Major Crimes Act, 18 U.S.C. §1153, and further the Court's lack of jurisdiction under 18 U.S.C. §1152, under which the offenses alleged in the counts sought to be dismissed must be applied. 18 U.S.C. §1152 contains express prohibitions against the application of federal criminal law on an Indian reservation in three circumstances, each of which has application to some or all of the counts which defendants seek to have dismissed.

The right to administer justice is one of the inherent rights of an Indian tribe and is one of the various rights encompassed within their broader right of self-government. (Cohen Federal Indian Handbook, p. 122; Cohen Indian Rights in the Federal Courts; 24 M.L.R. 146, p. 147; Powers of Indian Tribes (1934); 55 I.D. 14, pp. 65-67.

Cohen, who has generally been acknowledged as the foremost expert on Indian law, states in his Handbook on Federal Indian Law, (U.S. Dept. of the Interior, 1942) at p. 122:

Perhaps the most basic principle of all Indian law, supported by a host of decisions...is the principle that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished...the statutes of Congress, then, must be examined to determine the limitations of tribal sovereignty rather than to determine its sources or its positive content. What is not expressly limited remains within the domain of tribal sovereignty.

The status of the Indian nations was first set down by Chief Justice John Marshall in several cases. In Cherokee Nation vs. Georgia, 5 Pet. 17, 8 L. Ed. 25, Chief Justice John Marshall considered the application of the words "nation" and "treaty" to the various Indian people:

The very term 'nation', so generally applied to them (Indians) means 'a people distinct from others.' The Constitution, by declaring treaties already made, as well as those to be made to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their

rank among those Powers who are capable of making treaties. The words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings by ourselves, and have a definite and well-understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

The next year in Worcester vs. Georgia, 31 U.S. 515 (1832), Chief Justice Marshall spoke more directly to the question of Indian status. In that case, it was held that a clergyman had been wrongfully imprisoned by the State of Georgia for attempting to interfere with the State's removal of the Cherokees. It was held that the Cherokees were entitled by sovereign treaty rights and, as a distinct independent political community, to occupy its own territory:

...and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence--its right to self-government--by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. "Tributary and feudatory states," says Vattel, "do not thereby cease to be sovereign and independent states, so long as self-government, and sovereign and independent authority, are left in the administration of the state." At the present day, more than one state may be considered as holding its right of self-government under the guarantee and protection of one or more allies.

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States. The act of the state of Georgia, under which the plaintiff in error was prosecuted, is, consequently void, and the judgment a nullity.

The lack of state jurisdiction as to the conduct of Indian affairs was made evident in Worcester vs. Georgia, supra. The Court's enunciation that "The Cherokee nation is under the protection of the United States of America, and no other sovereign whatsoever," along with the Court's enunciation of the tribe's sovereignty, decided at an early date that authority

relative to Indian affairs rested primarily with the sovereign, i.e., the tribe, and with the federal government to the extent to which the respective tribes had placed themselves under the government's protection by treaty or otherwise.

It has been rather consistently held that except in very special situations, a state has no jurisdiction on an Indian reservation, particularly in affairs which relate to Indian people. Public Law 280 passed in 1953 erodes this principle as to five states, not including South Dakota, 18 U.S.C. §1162. In those five states, criminal jurisdiction is given to the state government. Various cases have held that states do have some criminal jurisdictions on a reservation as to crimes by non-Indians.

Crimes by Indians on an Indian reservation are, in all cases, except in 280 states, reserved exclusively to the law of the tribe, except to the extent tribal jurisdiction has been specifically curtailed with jurisdiction being directed to the federal government.

Relative to crimes on Indian lands "jurisdiction of the federal courts must be based, in every instance upon some applicable statute, since there is no federal common law of crimes." Cohen Handbook of Federal Indian Law, p. 146 (1942).

In 1875, Congress passed a law providing that except as otherwise provided by law, the general federal criminal laws applicable to places within the sole and exclusive jurisdiction of the United States (excluding the District of Columbia) shall be in force in Indian country. Certain exceptions to the applicability to such federal statutory criminal laws are expressed, which are of considerable importance. The original legislation incorporating certain portions of pre-existing law is contained in Sections 2145 and 2146 of the revised statutes of 1875, and in the act of February 18, 1875 (18 Stat. 318). A recodification of this legislation occurred on June 25, 1948 (c. 645, 62 Stat. 683, 757). For a history of the applicable sections, see Anderson v. Gladder, 188 F. Supp. 666 (D. Ore. 1960). But this recodification had little substantive change and served to carry forward the prior law. Section 18 U.S.C. §1152 now reads as follows:

Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, not to any Indian committing any offense in the Indian country, who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

Through this legislation, "Congress has provided that federal jurisdiction shall not extend to offenses committed by one Indian against a person or property of another Indian, nor to any Indian committing any offense in Indian country, who has been punished by the local law of the tribe, or to any case where, by treaty stipulation, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes, respectively." 41 Am. Jur. 2d, 866, Indians, § 60 (1973).

The Federal Criminal Code does not expressly define "place within the sole and exclusive jurisdiction of the United States" and has no separate body of sections setting out the criminal code applicable to such places.

The phrase "special maritime and territorial jurisdiction of the United States" is defined in 18 U.S.C. §7(3) (1952) as including:

Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof...

The general law of the United States as to punishment of offenses committed within the "special maritime and territorial jurisdiction of the United States" includes both the general federal criminal law applicable elsewhere and additionally certain statutes which are uniquely applicable to such areas. As to the application of general federal criminal law, see United States v. Chapman, 321 F. Supp. 767 (E. Dist. Va. 1970). ("If Congress has enacted a statute which prohibits possession of marijuana, a person charged with such a crime committed at Washington National Airport must be prosecuted under the federal law.") Also see: Baily v. United States, 47 F. 2d 702 (9th Cir. 1931), which found that the predecessor to

18 U.S.C. §1152 made the law of smuggling applicable to Indian country if none of the exceptions specified in that statute apply.

Note that 18 U.S.C. §1152, set forth above, does not purport to incorporate state criminal law, but rather provides for the enforcement in Indian country of applicable existent federal criminal statutes. The federal courts have the additional power to enforce and prosecute thirteen (13) specified major crimes under the Major Crimes Act, 18 U.S.C. §1153.

Of the thirteen (13) specified major crimes, state law is utilized as to the definition of six (6) which are designated. State law is otherwise not applied. The state plays no role in law enforcement or prosecution relative to actions of Indians on Indian reservations. "The well-preserved general rule is that Indians are to be left free from state jurisdiction and control", U.S. ex rel. Feather, et al. v. Erickson, et al. (8th Cir. Nos. 73-1453-73-1459 and Nos. 73-1541-73-1543). McClanahan v. State Tax Commission of Arizona, ____ U.S. ____, 93 S. Ct. 1257 (1973). The respective tribal courts have jurisdiction to apply tribal law except as to the offenses enumerated in the Major Crimes Act.

In regard to the federal jurisdiction given by 18 U.S.C. §1152, note that this jurisdiction does not extend to the application of the specified federal criminal law where (1) offenses are committed by one Indian against the person or property of another Indian; (2) any Indian committing any offense in Indian country has been punished by the local law of the tribe, and (3) by treaty stipulations the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

18 U.S.C. §1152, although procedural in nature, has to be considered a criminal statute since it applies the provisions of criminal law, including penalties, against certain individuals. As a criminal statute, it must be interpreted in the light most favorable to the defendants. Thus, exceptions to the general criminal law applicability must be considered broadly in favor of inclusion of individuals within such exceptions who claim their benefit.

An analysis of each of these three exceptions becomes important as to whether the federal court has proper jurisdiction over the Wounded Knee

defendants relative to each of the respective counts in the indictment. In the application of 18 U.S.C. §1152 to the instant case, such an analysis must of necessity be made.

The inherent sovereignty of the Indian nations and specifically that of the Oglala Sioux Tribe was recognized by the Eighth Circuit in Iron Crow v. Oglala Sioux Tribe, 231 F. 2d 89 (8th Cir. 1956), wherein the court stated:

We hold that Indian tribes, such as the defendant Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, still possesses their inherent sovereignty excepting only where it has been specifically taken from them, either by treaty or by Congressional act."

Treaties between the U. S. and the various Indian tribes have been held to have the "same dignity as treaties with other foreign nations." (Cohen, Handbook on Federal Indian Law, Chapter 3.) This principle was originally established in 1872, has been confirmed by numerous federal court decisions, and has never been overturned. (Holden v. Joy, 17 Wall 211; Worcester v. Georgia, 6 Pet. 515). As such, the treaties made with Indians are the "supreme law of the land." (Article IV § 2, U. S. Constitution) The method of dealing with Indians by treaty was abandoned with the Indian Appropriations Act of March 3, 1871, but this act expressly provided that treaties ratified prior to the date of enactment would have continuing validity.

In the time between the adoption of the Constitution and the cessation by statute of treaty-making as a practice in 1871, approximately 371 Indian treaties were effectuated. It has been ruled by the Supreme Court in Lone Wolf vs. Hitchcock, 187 U. S. 553 (1903), that a treaty may be abrogated by statute. Although this concept can be challenged logically, it has been enunciated continually through the years. However, the U. S. Supreme Court has also continually stated: "The intention to abrogate or modify a treaty is not to be lightly imputed to Congress." Menominee Tribe of Indians v. United States, 391 U. S. 404 at 413 (1968); Pigeon River Company v. The Cox Company, 291 U. S. 138 (1934); Chew Heong v. United States, 112 U. S. 536; United States v. Payne, 264 U. S. 446.

A cardinal rule in the interpretation of Indian treaties is that ambiguities are to be resolved in favor of the Indians. Winters v. United States,

207 U. S. 564 (1908); Cohen Handbook of Federal Indian Law, pp. 37-38. As to the application of the rule, Winters, supra, at 776-777, states:

"the rule should certainly be applied to determine between two instances, one of which would support the purposes of the agreement and the other impair or defeat it."

The final treaty to which the Oglala Sioux were signatory is the Sioux Treaty of 1868 (April 29, 1868, 15 Stat. 635, ratified February 16, 1869, proclaimed February 24, 1869) sometimes called the Fort Laramie Treaty. This treaty ended the Red Cloud War which was brought about in part because the United States installed military forts on Indian lands and gave rights-of-way to railroads through Sioux land, despite the Indian disapproval of these actions which had caused severe impoverishment among the tribes in the region. The treaty was signed by Spotted Tail and the Brules with 24 chiefs joining on April 29, 1868. Nan Afraid and 39 of the Oglalas signed on May 25, 1868. Other chiefs signed on behalf of various bands during the ensuing months, with Red Cloud signing the treaty on November 6, 1868.

The treaty of 1868 is a culmination and final embodiment in treaty form of 50 years of national policy regarding the Oglala Sioux. The first treaty ratified between the United States and the Oglala Sioux was the treaty with the Sioune and Oglala Tribes, 1825, 7 Stat. 252. This treaty set forth the traditional recitations of friendship between the United States and the respective Indian tribes, provided for certain regulations as to trade, set forth prohibitions against individuals interfering with the friendship existing between the parties and specified the attention to such disruptions that would be applied to all parties. In 1865 a treaty was signed between the Oglala Band of the Sioux Nation and the United States, 1865, 14 Stat. 747. This treaty speaks of establishing peace and a policy of encouraging agricultural pursuits. The Treaty of 1868 can be seen as augmenting principles set forth within prior treaties. In regard to violations of lawful authority, the 1868 Treaty expands upon previous statements of respect and cooperation set forth within the Treaty of 1825 and provides, apparently in respect to the traditional Sioux methods of judgment, that an offender against the laws of the United States shall either be delivered to the United States

officials or, in the alternative if such is not done, the person injured shall be reimbursed for his loss from annuities or monies to become due and owing to the tribe. The respect for this method of compensation for crimes can be seen both in Article I of the Treaty of 1868, specifying the above procedure, and in Article V providing for a judgmental process as to proper compensation amounts.

The Treaty of 1868 also guaranteed certain lands to the Sioux people forever, encompassing much of what is now western South Dakota (Section 2) provided for individual Indians to select lands for their own usage (Section 6) and provided for various payments and guarantees on both sides.

The Treaty of 1868, as specified above, had several provisions which relate to law enforcement. It provided that if bad men among the whites should commit any wrongs against the person or property of the Indians, the United States will cause the offender to be arrested and punished (Article I). It further provided that the Indians will deliver wrong-doers among their numbers to the United States to be tried and punished or if they refuse to do so, the person injured shall be reimbursed for his loss, from monies which become due under treaties (Article I). This latter clause, it was held in Ex Parte Crow Dog, 109 U. S. 556 (1883), did not depart from the general policy of the government towards Indians of allowing them to govern themselves. Such a departure, the court specified, would require a clear expression of the intention of Congress.

The Court also found that any duty by a signatory tribe to the Treaty of 1868 to deliver an offender to federal authorities did not extend to an alleged wrong committed by one Indian upon the person of another Indian.

In addition to Ex Parte Crow Dog, *supra*, the United States Supreme Court has had other occasions to interpret the Sioux Treaty of 1868. In all cases it found the treaty to be valid and to be effective. See, _____; Sioux Tribe of Indians v. United States, 316 U. S. 317, 62 S. Ct. 1096, 86 L. Ed. 1503 (1942); Leighton v. United States, 151 U. S. 291, 16 S. Ct. 496, 40 L. Ed. 705 (1896); Noonan v. Caledonia Mining Co., 121 U. S. 393 (1887); Elk v. Wilkins, 112 U. S. 94 (1884); Quick Bear v. Leupp, 210 U. S. 50 (1908); Donnelly v. United States, 228 U. S. 243 (1913);

and Felix v. Patrick, 145 U. S. 317, 12 S. Ct. 886, 36 L. Ed. 725 (1892).

The case of Ex Parte Crow Dog which was decided by the Supreme Court in 1883, is quite important relative to the consideration of the federal court's jurisdiction over the Wounded Knee defendants. This is particularly so since the case involved an interpretation of the Sioux Treaty of 1868 and the criminal jurisdictional legislation which is now codified as 18 U.S.C. §1152. Also considered by the court was the Act of 1877 (19 Stat. at L. 254), where it is said "Congress shall, by appropriate legislation, secure to them an orderly government; that they shall be subject to the laws of the United States and each individual shall be protected in his right of property, person and life."

An application of the treaty and the respective statutes led to the court's decision that it had no jurisdiction to try Crow Dog for murder since the general policy of the United States has been uniform in the utilization by each tribe of its own customs and traditions in dealing with offenses of Indians against Indians. The court specified:

...offenses...by Indians against each other were left to be dealt with by each Tribe for itself, according to its local customs. The policy of the government in that respect has been uniform. As was said by Mr. Justice Miller, delivering the opinion of the court in U. S. v. Joseph, 94 U. S., 614, 617 [XXIV., 295, 297], 'The Tribes for whom the Act of 1854 was made were those semi-independent Tribes whom our government has always recognized as exempt from our laws, whether within or without the limits of an organized State or Territory and, in regard to their domestic government, left to their own rules and traditions, in whom we have recognized the capacity to make treaties, and with whom the governments, state and national, deal, with a few exceptions only, in their national or tribal character and not as individuals.'

Crow Dog had killed another Indian on Indian land and was punished according to tribal law, being forced to provide for the victim's family for the rest of his life. Dissatisfied by this result, the federal officials in the Territory of Dakota, brought charges against him, under the Federal Territorial Law in existence in the Territory of Dakota, and he was convicted of murder. The Supreme Court found that the federal court had no jurisdiction to try and convict Crow Dog. In dismissing contentions that the

Treaty of 1868 and various cited legislation gave the court such jurisdiction, the Supreme Court spoke of the pledge by the United States:

...The pledge to secure to these people, with whom the United States was contracting as a distinct political body, an orderly government, by appropriate legislation thereafter to be framed and enacted, necessarily implies, having regard to all the circumstances attending the transaction, that among the arts of civilized life, which it was the very purpose of all these arrangements to introduce and naturalize among them, was the highest and best of all, that of self-government; the regulation by themselves of their own domestic affairs; the maintenance of order and peace among their own members by the administration of their own laws and customs. They were, nevertheless, to be subject to the laws of the United States, not in the sense of citizens, but, as they had always been, as wards subject to a guardian; not as individuals, constituted members of the political community of the United States, with a voice in the selection of representatives and the framing of the laws, but as a dependent community who were in a state of pupilage, advancing from the condition of a savage Tribe to that of a people who, through the discipline of labor and by education, it was hoped might become a self-supporting and self-governed society. The laws to which they were declared to be subject were the laws then existing, and which applied to them as Indians and, of course, included the very statute under consideration, which excepted from the operation of the general laws of the United States, otherwise applicable...

The emphasis which the court placed on the self-government and self-regulation of domestic affairs by the tribe should be noted.

Also of special note is the reliance that the court placed on Section 2145 and Section 2146 of Title XXVIII of the revised statutes in existence at that time. These sections have been now recodified as 18 U.S.C. §1152. The sections as they existed at the time read as follows:

Sec. 2145. Except as to crimes, the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

Sec. 2146. The preceding section shall not be construed to extend to [crimes committed by one Indian against the person or property of another Indian, nor to] any Indian committing any offense in the Indian country who has been punished by the local law of the Tribe, or to any case where by treaty stipulations the exclusive jurisdiction over such offenses is or may be secured to the Indian Tribes respectively.

In its interpretation of the above statutes, the Supreme Court found that the federal courts of the United States had no jurisdiction over an alleged crime committed by one Indian against another Indian. This decision also implies that a lack of jurisdiction was also independently based on the fact that Crow Dog had been punished by the local law of the tribe and/or that the Treaty of 1868 provided for jurisdiction of such offenses to be reserved in the respective signatory Indian tribes. In regard to the latter treaty basis, it should be noted that the Supreme Court in Ex Parte Crow Dog, supra, spoke of the treaty as being reflective of the general policy of the government towards Indians in recognizing and fostering their own self-government and administration of their own laws and customs.

To find jurisdiction in the federal court to try the defendant for murder, the Court stated, "would be to reverse in this instance the general policy of the government towards Indians, as declared in many statutes and treaties and recognized in many decisions in this court, from the beginning to the present time." The court then emphasized that "to justify such a departure, in such a case, requires a clear expression of the intention of Congress and that we have not been able to find."

Ex Parte Crow Dog, supra, is still good law, having never been overruled. It has, in intervening years, been cited countless times with references being made by both the Supreme Court and by various other federal courts.

Presumably, the "clear expression" of Congressional intention which the Supreme Court in Ex Parte Crow Dog said would be necessary to justify a departure from acknowledging self-government by Indian tribes, was meant to be announced by Congress several years later in 1885 when it passed the Seven Major Crimes Act. This legislation brought under federal jurisdiction the crimes of murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny. The passage of the Seven Major Crimes Act was stirred by public indignation over the decision in Ex Parte Crow Dog. Keeble v. United States, ____ U.S. ____, 93 S. Ct. 1993 (1973), Cohen, supra, p. 147. In later years, notorious cases of robbery, incest and assault with a dangerous weapon resulted in the addition of these three offenses to the list of

major crimes and the act became known as the Ten Major Crimes Act. (Act of March 4, 1909, Sec. 328, 35 Stat. 1088, 1151; Act of June 28, 1932, 47 Stat. 336, 337.) The federal government now has jurisdiction to try thirteen specified offenses which are now set forth at 18 U.S.C. §1153 in what is currently termed the "Major Crimes Act." The crimes now included are murder, manslaughter, rape, carnal knowledge, assault with intent to commit rape, incest, assault with intent to kill, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery and larceny.

These offenses committed within Indian country are made subject to the exclusive jurisdiction of the United States. A definition of Indian country is stated rather broadly at 18 U.S.C. §1152. The term "Indian Country" has a specific meaning given by the courts and the statute which clearly includes Indian reservations. The principal case on this is also *Crow Dog*, whose language has been adopted by statute (18 U.S.C. §1151). While the offense themselves are enforced through federal law, the Major Crimes Act provides that relative to certain of the offenses they shall be defined in accordance with the law of the state in which the offense was committed.

The Major Crimes Act as codified at 18 U.S.C. §1153, reads as follows:

§1153. Offenses committed within Indian country.

Any Indian who commits against the person or property of another Indian or another person any of the following offenses, namely, murder, manslaughter, rape, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to kill, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and larceny within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

As used in this section, the offense of rape and assault with intent to commit rape shall be defined in accordance with the laws of the State in which the offense was committed, and any Indian who commits the offenses of rape or assault with intent to commit rape upon any female Indian within the Indian country shall be imprisoned at the discretion of the court.

As used in this section, the offenses of burglary, assault with a dangerous weapon, assault resulting in serious bodily injury, and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed. As amended May 24, 1949, c. 139 §26, 63 Stat. 94; Nov. 2, 1966, Pub. L. 89-707, §1, 80 Stat. 1100; April 11, 1968, Pub. L. 90-284, §501, 82 Stat. 80.

The validity of the Seven Major Crimes Act was upheld in United States v. Kagama, 118 U.S. 375, 6 S. Ct. 1109, 30 L. Ed. 228 (1886), largely on the basis that the constitutional authority of the United States to control commerce with the Indian tribes allowed for the control of behavior and enforcement of criminal legislation promulgated by Congress which relates to Indian tribes. The court spoke in terms of the Indian tribes being wards of the United States and found treaty arguments unpersuasive to the extent that treaties were urged as a basis for the unconstitutionality of the Major Crimes Act. A motion to dismiss the various charges arising out of the Wounded Knee indictments on the basis of the unconstitutionality of the Major Crimes Act was filed and recently argued to the court. It was argued that the Major Crimes Act was unconstitutional as violative of the Fifth Amendment. The court denied the motion to dismiss on this basis, citing Kills Crow v. United States, 452 F. 2d 323 (8th Cir. 1971) cert. den., 405 U.S. 999 (1972).

Kills Crow, supra, while finding the Major Crimes Act valid, does however, provide that 18 U.S.C. §1153, should be strictly construed and specifies that Indian tribal courts have inherent jurisdiction over all internal criminal matters not specifically taken over by the federal government. The Court in Kills Crow specified:

...it is axiomatic that statutes creating and defining crimes cannot be extended by intendment, and that no act, however wrongful, can lie punished under such a statute unless clearly within its terms. There can be no constructive offenses, and, before a man can be punished, his case must be plainly and unmistakably within the statute.

In United States v. LaPlant, 157 F. Supp. 660 (D.C. Mont. 1957), the Court specifically finds that jurisdiction over crimes not enumerated in §1153 is left to tribal courts.

It is clear, furthermore, from the legislative history to recent amendments to the Major Crimes Act, that Congressional understanding is that unless a crime is specified in the Major Crimes Act, the United States government has no jurisdiction over the offense of one Indian against another Indian since that prohibition is set forth in 18 U.S.C. §1152. (Report of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary adopting report of the Committee on the Judiciary of the House of Representatives, U. S. Code Cong. and Admin. News 1966 p. 3654; remarks of Senator Sam Ervin, U. S. Code Cong. and Admin. News, 1968, p. 1866.)

It has been held relative to the Major Crimes Act that any portion of the tribal sovereignty which is carved out and for which punishment is provided under the Major Crimes Act must precisely fit the offense specified. A series of cases dealing with the question of whether the federal government had authority to prosecute for statutory rape or carnal knowledge of a minor, under authority of the "rape" provision of 18 U.S.C. §1153, is indicative of this principle. The court declined to find such jurisdiction in each of the following cases: United States v. Jacobs, 11 F. Supp. 203 (E. Dist. Wisc. 1953); United States v. Rider, 282 F. 2d 476 (9th Cir. 1960); and Petition of McCord, 151 F. Supp. 132 (D. Ala. 1957).

Finding that enforcement for statutory rape must, if at all, be punishable through 18 U.S.C. §1152, the court in Rider, supra, notes that the provision provides that an offense committed by one Indian against another Indian is not prosecutable under federal law:

... In recognition of the basic policy of Congress to allow an Indian tribe alone to deal with its members, 18 U.S.C.A. §1152, which makes applicable to the Indian Country the general penal laws of the United States, contains the qualifications that "[this] section shall not extend to offenses committed by one Indian against the person or property of another Indian." See, United States v. Quiver, 1915, 241 U.S. 602, 36 S.Ct. 699, 60 L.Ed. 1196.

The court's comments indicated above are, of course, as entirely applicable to the question of prior punishment by tribal authorities and to treaty commitments (the other exceptions contained within 18 U.S.C. §1152), as they are to the question of an offense by an Indian against another Indian, which was the fact situation with which the court was faced.

The court in Jacobs first gives an historical background of Section 1153, citing Worcester, Quiver and Crow Dog, emphasizing the point that the tribe's criminal jurisdiction derives from "inherent powers of tribal sovereignty which have never been extinguished." Then it reviews the legislative history of Section 1153 and finds that Congress did not intend to include carnal knowledge within its definition of "rape" when it left the definition of "rape" to state statute:

If Congress wanted to constitute carnal knowledge as an offense, it does not seem likely that it would have been done in the round-about way for which the government contends, when it could have been accomplished by the simple and direct method of allowing the words 'carnal knowledge' to remain as they were in the original bill. (11 F.Supp. at 207)

The Court continues and in referring to the principles set out in Ex Parte Crow Dog, supra, specified:

It may well be that the description of the Indian people in Ex Parte Crow Dog is no longer warranted, and that the time has come to make Indians subject to more of the laws governing other citizens or residents of the United States. But this is a matter for the legislature not the courts. It is for Congress to change a policy that has been long established and has been repeatedly recognized by the courts. (11 F.Supp. at 208)

The Court in Petition of McCord, 151 F.Supp. 132 (D.Ala., 1967), speaks of the deference which must be given to tribal authorities:

It is in the interest of further acquainting the members of the tribe with the society with which they must soon become members, it would certainly be injudicious to allow the petitioners to escape without any sanctions applied to them. However, the sanctions to be applied by the chief and the council must be left to the tribe, in the absence of Congressional action. United States v. Quiver, 1916, 241 U.S. 602.

Of the offenses charged in the indictments against Dennis Banks and Russell Means, only three counts specifically allege violations of the Major Crimes Act. These are Count I, charging breaking and entering with an intent to commit a larceny; Count II, charging the theft of personal property from the trading post at Wounded Knee; and Count VIII, alleging the theft of a 1970 Dodge from Cleve Gildersleeve. In Count I it is charged that the defendants violated the Major Crimes Act, apparently relative to burglary which is specified within the Major Crimes Act. It is provided that as to burglary, definition and punishment will be in accordance with state law. The state law cited, South Dakota Statute 22-32-9, does not relate to the classic definition of "burglary" as known and understood at the time of both the original passage of the Seven Major Crimes Act and the amendments thereto. Burglary is generally defined as "the breaking and entering of the house of another in the nighttime, with intent to commit a felony therein..." Black's Law Dictionary, West Publishing Co., 4th Ed. 1951, p. 247. Burglary defined accordingly is prohibited by specific South Dakota statutes which are not cited. The statute, however, under which the defendants are charged, is South Dakota Statute 22-32-9, entitled: "Breaking Curtilage-Vehicles." This statute does refer to breaking and entering with the requisite bad intent, but contains no requirement that such be shown to have been committed at night. The requirement that entry be made at night historically has been an important element of the crime of burglary and undoubtedly the offense was formulated and applied because of the special need of protection which individuals have when their normal senses are obscured by the spectre of darkness. In this regard, the deviation from the statutory definition of burglary which is herein presented by South Dakota Statute 22-32-9 is equivalent to the deviation from the standard definition of "rape" under which

the courts in Rider, supra, Jacobs, supra, and McCord, supra, respectively declined to find jurisdiction over the offenses of "statutory rape" and "carnal knowledge of a minor."

Attention will now be directed toward the nine counts of the respective indictments specifying activity not prohibited under the Major Crimes Act. Presumably, the government believes that these offenses are properly chargeable through 18 U.S.C. §1152, discussed above, which specifies that the general criminal laws of the United States shall extend to Indian country. Yet this is the very argument which the U.S. Supreme Court rejected in Ex Parte Crow Dog, supra. There it found that in light of the historic purpose of recognizing self-government on an Indian reservation, there was no intent to depart from a full recognition of the tribal court as the body which would handle criminal offenses. In this regard the court found this historic purpose mandated not only by general national policy but also the exclusions contained within the predecessor section to 18 U.S.C. §1152, the application of other legislation, and the dictates of the Sioux Treaty of 1868. The Supreme Court specified that, should there be a departure from the general policy, a clear expression by Congress would have to be made. Since that time Congress has expressed itself through the Major Crimes Act. 18 U.S.C. §1152 is not new, but is a recodification of the pre-existing law in effect at the time Ex Parte Crow Dog was decided. The treaty scrutinized by the court is the same treaty under which the defendants claim benefit.

As indicated in the discussion above, when 18 U.S.C. §1152 is read in connection with 18 U.S.C. §1153, it appears that the crimes listed in 18 U.S.C. §1153 do constitute a Congressional determination that as to such specified crimes, the dictates of 18 U.S.C. §1152 do not apply. It is equally clear that all other alleged federal offenses are, indeed, subject to 18 U.S.C. §1152 and the exceptions contained therein.

An analysis in this regard is made by the court in Tooisigah v. United States, 186 F.2d 93, wherein the court makes an historical analysis of the relationship of the two sections. It should be noted that Section 328 is the

Ten Major Crimes Act, which is now, after additions, the Major Crimes Act, located at 18 U.S.C. §1153, and that Section 2146, as has been previously specified, is now located at 18 U.S.C. §1152. The court said:

But Section 2146 was not repealed by Section 328, except to the extent necessary to confer federal jurisdiction over certain enumerated crimes when committed by one Indian against another Indian in carefully specified places. Indeed, Section 2146 remained unchanged when it was recodified with Section 2145 as Section 1152 of the Revised Criminal Code, 18 U.S.C.A. It is therefore clear that the offense charged here is not cognizable in the Federal court under Section 2145 (now 1152), and the only question for decision is whether the asserted federal jurisdiction over the offense is sustainable under 328 as an offense of murder of one Indian by another 'on and within any Indian reservation under the jurisdiction of the United States Government.' (186 F.2d at 96)

18 U.S.C. §1152 exists today, as its predecessor did at the time of Ex Parte Crow Dog, as a limit upon the applicability of the federal criminal law upon an Indian reservation by stating it shall not be extended to (1) "offenses committed by one Indian against the person or property of another Indian;" (2) "to any Indian committing an offense in the Indian country who has been punished by the local law of the tribe;" and (3) to "any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes, respectively."

Each of the points above can be seen as an exception which is applicable to the Wounded Knee defendants.

It is incumbent upon this Court to analyze the exceptions to federal criminal jurisdictions provided for in 18 U.S.C. §1152 to determine their application to the case herein. Relative to the first exception, it appears that several of the counts of the respective indictments do involve offenses which encompass activity which may have been directed against Indian people. This is particularly true with respect to the conspiracy count and Count IX, and to the various counts alleging infractions associated with the Wounded Knee Trading Post and/or Cleve Gildersleeve and his wife, who have claimed to be part Indian. The Bureau of Indian Affairs generally defines "Indian" as being anybody who has one-fourth Indian blood.

Relative to the second exception specified at 18 U.S.C. §1152, punishment by the local law of the tribe must be interpreted in the broad sense since the range of punishment among Indian people encompasses a tradition of flexibility and individual application. Information will be presented to the court to show that both Russell Means and Dennis Banks were, because of their activities at Wounded Knee, ordered off and denied entrance privileges to the Pine Ridge Reservation of the Oglala Sioux by tribal authority. The right of these defendants to be present at the reservation is of prime importance to both of them and their exclusion must be taken to be very much in the nature of punishment. In regard to Russell Means, this "banishment" is particularly oppressive since Mr. Means, a member of the Oglala Sioux Tribe, was denied access to his home and has found that his campaign for tribal chairman was compromised.

The possible double jeopardy implications inherent in situations where both the federal and tribal courts have jurisdiction over offenses are discussed by William F. Clayton, currently U.S. District Attorney for the District of South Dakota, in a law review article entitled, "Indian Jurisdiction and Related Double Jeopardy Questions," appearing at 17 South Dakota Law Review 343. In his article, Clayton specifies that the "prevailing legal theory" is that "except where withdrawn by Congress in the exercise of its plenary powers over Indian affairs, jurisdiction of criminal offenses by Indians in the Indian country rests with the Indian tribe." See also, Glover v. United States, 219 F.Supp. 19 (D. Mont., 1963). He specifies that "concerning Indian tribal jurisdiction, the rule of law is that Indian courts have considerable jurisdiction and such jurisdiction is, to a large extent, exclusive." See also, Colliflower v. Garland, 342 F.2d 369 (9th Cir., 1965).

In United States v. LaPlant, supra, the court, in finding that a defendant in a federal criminal case had been previously punished by action of the tribe, dismissed the federal action. The courts find that the tribe, with the exception of the offenses specified in the Major Crimes Act, does have jurisdiction over criminal offenses. In referring to the fact of tribal punishment having occurred, the court specifies: "...This alone would appear sufficient

under the statute to warrant a dismissal of the informations, absent any question of double jeopardy." The actual role of a tribal court will be further considered at a later point.

The third exception contained in 18 U.S.C. §1152 to general federal criminal jurisdiction on reservations is where by treaty stipulation the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes effectively. As discussed above, Ex Parte Crow Dog reads the 1868 Treaty in the context of the general policy of the United States of recognizing the inherent self-government rights of an Indian tribe. The court found that the Treaty of 1868 constituted a "pledge to secure to these people with whom the United States was contracting as a distinct political body, an orderly government,...[which] necessarily implies,...that of self-government: The regulation by themselves of their own domestic affairs; the maintenance of order and peace among their own members by the administration of their own laws and customs." This, the court specified, was "the highest and best of all" of the "arts of civilized life."

Given this reading of the Treaty of 1868, it would indeed appear that self-government as to criminal jurisdiction was reserved in the tribe by that treaty as to the offenses which are now embraced in 18 U.S.C. §1152. This leads to the inescapable conclusion that except as to those offenses properly charged under the Major Crimes Act, the court has no criminal jurisdiction over the defendants.

In regard to the treaty exception, 18 U.S.C. §1152 specifies that the federal court would not have jurisdiction where by treaty stipulations the exclusive jurisdiction over particular offenses "is or may be secured to the Indian tribes, respectively." (Emphasis added) This would seem to indicate that should treaty language be unclear, the treaty should be interpreted as specifying criminal jurisdiction with the Indian tribe and not with the federal courts. This would be consistent with the general policy cited above that interpretation of Indian treaties is to be resolved in favor of the Indians.

Winters v. United States, 207 U.S. 554 (1908).

In 1825 the Assimilative Crimes Act was enacted which is now codified at 18 U.S.C. §13. This act adopts state criminal law for areas of federal jurisdiction within the boundaries of each state and reads as follows:

Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

The places 'reserved or acquired as provided in section 7' include:

Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof...[18 U.S.C. §7(3) (1952)]

Indian reservations are generally held to be within this category of lands. Guith v. United States, 320 F.2d 481 (9th Cir., 1956). It was not until Williams v. United States, 327 U.S. 711 (1946) was decided that the Assimilative Crimes Act was applied to Indian offenses.

The Assimilative Crimes Act in effect bestows on the states jurisdiction to define crimes, while leaving unaffected the question of court jurisdiction to apprehend, try and punish individuals for crimes defined by the state legislation. A crime under state law, however, will not be assimilated if there is an express prohibition of the same act in the federal codes. Williams v. United States, supra. The specific federal law will then override the general reference to the state law contained in the Assimilative Crimes Act.

In enacting 18 U.S.C. §13 in 1948 as part of the general revision of the Federal Criminal Code, the intent of Congress was merely to recodify existing criminal law and not make changes in the federal-state relation. See H.R. Repp. No. 304, 80th Cong., 1st Sess. (1947), cited in Notes to 18 U.S.C.A. §13. The Assimilative Crimes Act assimilates only such state laws that are not contrary to federal policy. See, Air Terminal Services, Inc. v. Rentzel, 81 F.Supp. 611 (E.D.B.A., 1949), state laws in conflict with valid federal administrative regulations are not assimilated; and Hunt v. United States, 278 U.S. 96 (1928),

indicating the limited nature of the applicability of the Assimilative Crimes Act. "In this regard it should be noted that the Assimilative Crimes Act does not apply to situations where the extension to Indian country of the general laws of the United States for federal enclaves is specifically removed by the second paragraph of Section 1152." Clayton, "Indian Jurisdiction and Related Double Jeopardy Questions," 17 S.D.L. Rev. 343. Thus, any state crimes which would be excluded by 18 U.S.C. §1152 would not be assimilated into federal jurisdiction on Indian reservations. Thus, 18 U.S.C. §13 can apply no wider jurisdictional base than that analyzed relative to 18 U.S.C. §1152.

It should be noted that under the rules of statutory construction:

...Where there are two statutes upon the same subject, the earlier being special and the later general, the presumption is, in the absence of an express repeal, or an absolute incompatibility, that the special is intended to remain in force as an exception to the general. (General Electric Credit Corp. v. James Talcott, Inc., 271 F.Supp. 699, 706 (1966))

See also, Rodgers v. United States, 185 U.S. 83 (1902); and United States v. Commonwealth of Pennsylvania, 220 F.Supp. 144 (1963).

In the instant case, this rule of statutory construction means that the three specific exceptions enumerated in 18 U.S.C. §1152 retain their full force to modify or exclude jurisdiction that is granted by other federal statutes such as 18 U.S.C. §13 (the Assimilative Crimes Act). The purpose of this rule of statutory construction is to give effect to the established general policy of the government unless Congress has clearly mandated a repeal. Ex Parte Crow Dog, *supra*; La Vergne v. U.S. Casualty Co., 259 F.Supp. 425 (1966); Commissioner of Internal Revenue v. Rivera's Estate, 214 F.2d 601 (1954); Commissioner of Internal Revenue v. Bilder, 289 F.2d 291 (1961). Here, the established governmental policy has been one of recognizing tribal jurisdiction over criminal actions committed on Indian country by Indians unless there has been express Congressional action granting jurisdiction over criminal actions to the federal courts as in the Major Crimes Act, 18 U.S.C. §1153.

This constriction of jurisdictional base according to the dictates of 18 U.S.C. §1152 is particularized in *Acunia v. United States*, 404 F.2d 140, wherein the court specifies:

It is clear that Congress did not intend that the Assimilative Crimes Act should apply to situations wherein under the second paragraph of 18 U.S.C. §1152 the extension to Indian country of a general caluse of the United States for federal enclaves is specifically removed.

The court further explained:

...We think it is clear that unless there is present one of the three conditions provided by 1152 to exempt an Indian from liability for offenses under the general laws of the United States to which he is subject by virtue of 1152, that section is effective to render him amenable to such general laws including or as enlarged by Assimilative Crimes Act.

Finding further proof that the exceptions contained with 18 U.S.C. §1152 are fully applicable to any utilization of the Assimilative Crimes Act on Indian reservations the court specifies: "If the Assimilative Crimes Act had not been excepted by the second paragraph of 1152, it would have been unnecessary for Congress to make reference in section 1153 to state law concerning the offenses of rape and burglary."

An opinion of the solicitor of the Department of the Interior rendered in 1934 ("Powers of Indian Tribes," October 25, 1934, 55 I.D. 14) sums up the powers of an Indian tribe relative to the administration of law and order and the conduct of tribal courts in the following terms:

So long as the complete and independent sovereignty of an Indian tribe was recognized, its criminal jurisdiction, no less than its civil jurisdiction, was that of any sovereign power. It might punish the subjects for offenses against each other or against aliens and for public offenses against the peace and dignity of the tribe. Similarly, it might punish aliens within its jurisdiction according to its own laws and customs. Such jurisdiction continues to this day, save as it has been expressly limited by the acts of a superior government.

Recognition of tribal authority in the administration of justice is found in the statutes of Congress, as well as in the decisions of the federal courts.

U.S. Code, Title 25, Section 229, provides that redress for a civil injury committed by an Indian shall be sought in the first instance from the 'Nation or tribe to which such Indian shall belong.' This provision for collective responsibility evidently assumes that the Indian tribe or Nation

has its own resources for exercising disciplinary power over individual wrongdoers within the community.

We have already referred to U.S. Code, Title 25, Section 218, with its express assurance that persons 'punished by the law of the tribe' shall not be tried again before the federal courts.

What is even more important than these statutory recognitions of tribal criminal authority is the persistent silence of Congress on the general problem of Indian criminal jurisdiction. There is nothing to justify an alternative to the conclusion that the Indian tribes retain sovereignty and jurisdiction over a vast area of ordinary offenses over which the federal government has never presumed to legislate and over which the state governments have not the authority to legislate.

The attempts of the Interior Department to administer a rough-and-ready sort of justice through Courts of Indian Offenses, or directly through superintendents, cannot be held to have impaired tribal authority in the field of law and order. These agencies have been characterized, in the only reported cases squarely upholding their legality, as 'mere educational and disciplinary instrumentalities by which the government of the United States is endeavoring to improve and elevate the condition of these dependent tribes to whom it sustains the relation of guardian.' (*United States v. Clapox*, 35 Fed. 575; and cf. *Ex parte Bi-a-lil-le*, 12 Ariz. 150, 110 Pac. 450; *United States v. Van Wert*, 195 Fed. 974). Perhaps a more satisfactory defense of their legality is the doctrine put forward by a recent writer that the Courts of Indian Offenses 'derive their authority from the tribe, rather than from Washington.'

Whichever of these explanations be offered for the existence of the Courts of Indian Offenses, their establishment cannot be held to have destroyed or limited the powers vested by existing law in the Indian tribes over the province of law and order and the administration of civil and criminal justice.

The Indian Reorganization Act of 1934 provides for the operation of Courts of Indian Offenses by Indian tribes who become organized under the Reorganization Act. The Code of Federal Regulations, Title 25, part 11, also provides for such a court. Both the Indian Reorganization Act and the Code of Federal Regulations provide that a tribe may enact ordinances prescribing crimes. A six-month maximum penalty is specified.

It is thus recognized both historically and in modern codes that upon an Indian reservation single jurisdiction over many crimes is a tribal court. The revised Code of the Oglala Sioux Tribe in Chapter 1, Section 1, sets forth

its jurisdiction over persons. It specifies:

The Oglala Sioux Tribal Court of the Pine Ridge Reservation shall have jurisdiction over all offenses when committed by a member of the tribe, by non-member Indians who are members of any recognized tribe under federal jurisdiction, or by any other person consenting to jurisdiction, as hereinafter provided.

It is clear that both the defendants, Mr. Means as a member of the Oglala Sioux Tribe and Mr. Banks as a non-member Indian who is a member of a recognized tribe (Chippewa), are individuals over whom jurisdiction is asserted by the Oglala Sioux in their revised code.

It should be noted that in Section 1.1 of the Revised Code of the Oglala Sioux Tribe, it is provided that "with respect to any of the offenses enumerated in Chapter 6 over which the federal or state court may have lawful jurisdiction, the jurisdiction of the Oglala Sioux Tribal Court shall be concurrent and not exclusive." This, of course, makes no judgmental assessment as to whether the federal or state courts do have lawful jurisdiction in a particular matter. As indicated above, the Major Crimes Act has been found to give the federal courts lawful jurisdiction relative to the offenses specified therein. A review of the offenses set forth in Chapter 6 indicates that conduct violative of certain of the offenses set forth therein might also give rise to a violation of one of the crimes specified within the Major Crimes Act, i.e., the Tribal Code forbids "theft", which can be taken to be akin to "larceny."

The fact that the defendants have not been charged by the Oglala Tribal Court with various offenses over which the Tribal Court has jurisdiction cannot be deemed to constitute a forfeiture of their responsibility. It may well indicate that they are not aware of a sufficient quantum of evidence which would indicate that the defendants are, indeed, guilty of anything.

In analyzing the proper role of the tribal court for the Oglala Sioux, the case of Iron Crow v. Oglala Sioux Tribe, 231 F. 2d 89 (8th Cir. 1955) is vital. In this case, several individuals convicted of adultery by the tribal

court brought an action to enjoin the tribe and its officers from enforcing the penal decrees of the court on the ground that the tribal court did not have jurisdiction. They maintained further that the tribal court was a recent creation foisted upon members of the tribe through adoption of its constitution. The tribe maintained that its tribal court derived powers as a necessary attribute of the original tribal sovereignty which is recognized in the Constitution of the United States and in the various treaties. Additionally, the tribe asserted that its tribal court had jurisdiction on the basis of various federal statutes enacted by Congress pursuant to powers vested in it by the constitutional clause allowing Congress to govern commerce among the Indian tribes.

Disputing that the tribal court was a recent creation, the court stated that "no substantial change appears to have been made in the operation of the Indian court from 1892 until 1935."

The Eighth Circuit, in rather strong language, agreed with both of the arguments presented by the Oglala Sioux Tribe. The court stated: "[F]rom time immemorial, the members of the Oglala Sioux Tribe have exercised powers of local self-government, regulating domestic problems and conducting foreign affairs, including in latter years, the negotiation of treaties and agreements with the United States." (Emphasis added)

The court, in reviewing Congressional action relative to the maintenance of Indian courts, concluded that "there can be little doubt...that Congress has actually authorized the establishment and operation of the Oglala Sioux Tribal Court."

In speaking of both the inherent sovereignty of the tribe and federal legislative support of the tribal courts, the court in Iron Crow, supra, specifies:

The plaintiff would argue that there is found no provision in the Federal Constitution for Indian courts. None is necessary. As already indicated, the Constitution, by authorizing Congress to regulate commerce with the Indian tribes and by authorizing the making of treaties with them, while not in and of itself establishing the sovereignty of the tribes, nevertheless does recognize their sovereignty. As interpreted by the United States Supreme Court, that sovereignty is absolute excepting only as to such rights

as are taken away by the paramount government, the United States. Under this view, not even a Congressional Act would be necessary to establish the legality of the Oglala Sioux Tribal Courts. However, regulatory powers over these judicial establishments have been exercised to promote uniformity, gradual assimilation and other ends....

Originally and until 1885, all offenses committed by Indians against Indians within the confines of Indian country were under the jurisdiction of the Tribal Courts. In 1885 Congress passed what is sometimes referred to as the 'Seven Major Crimes Act.' Therein, 23 Stat. 362, 385, March 3, 1885, Ch. 341, Sec. 9, 18 U.S.C.A. §548, Congress brought under federal jurisdiction the crimes of murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny. Subsequently three additional crimes were included, to-wit: incest, assault with a dangerous weapon and robbery. The clear inference is that Congress left to the Indian Tribal Courts jurisdiction over all crimes not taken by the federal government, but that federal legislative action and rules promulgated thereunder support the authority of the Tribal Courts.

The Eighth Circuit had occasion again to speak to the special role that tribal courts play relative to offenses by "indians on Indian reservations" in Kills Crow v. United States, 451 F.2d 323 (1971). In that case it was argued that the racial classification to which the Major Crimes Act was directed was unconstitutional. The court rejected that argument, stating: "[W]e conclude ...that distinctions created through Congressional restraint in enacting Indian criminal legislation are neither invidious nor capricious and are, in fact, generally beneficial to Indians. This is basically so because Indian tribal courts have inherent jurisdiction over all internal criminal matters not taken over by the federal government." (Emphasis added) The Court proceeded to comment upon "the centrality of Tribal Courts to the preservation of Indian identity and to the proper and effective administration of justice on the reservation."

As has been specified above, the only criminal matters taken over by the federal government with respect to possible offenses by Indians on the Oglala Sioux Reservation are those specified in the Major Crimes Act.

Kills Crow, supra, is instructive on other points. The appellant contended that the trial court erred in refusing to give a jury instruction of

simple assault, as a lesser crime, when he was charged with assault with a dangerous weapon. The court held that no error was committed since 18 U.S.C. §1153 is not sufficiently broad in scope to vest in the district court jurisdiction to consider and instruct upon the crime of assault. The Eighth Circuit specified that "the Major Crimes Act recognizes only aggravated assault, and one looks in vain for another statute conferring jurisdiction upon federal courts to convict Indians of simple assault, at least where the offense is alleged to have been committed on a reservation." While the due process implication of the lack of a lesser instruction are questionable, this aspect of the decision is important in showing that the specified major crimes have a specific identity and are not expandable beyond the common understanding of the specific offense. See also United States v. Davis, 429 F.2d 552 (8th Cir. 1970).

The due process implications in refusing, upon the request of a defendant, to give an instruction to what would normally be a lesser and included offense are addressed by the United States Supreme Court in Keeble v. United States, _____ U. S. _____, 93 S. Ct. 1993 (1973). The court therein found the failure to give such an instruction to be a denial of due process as to Indian people, since in many situations a jury might convict an individual of a lesser offense where, if it did not have that option, he might be convicted of the more serious offense. The court did not specify whether the conviction of a lesser offense, i.e., assault, would then be punishable or not by a federal court. It is important to note that in this decision the Supreme Court again comments upon the limited offenses contained within the Major Crimes Act and cautions against the infringement upon the residual jurisdiction of an Indian tribe by permitting federal court prosecutions that are not authorized. The court specifies:

Finally, we emphasize that our decision today neither expands the reach of the Major Crimes Act nor permits the Government to infringe the residual jurisdiction of the Tribe by bringing prosecutions in federal court that are not authorized by statute.

In commenting upon the limitation of federal court jurisdiction, the South Dakota Law Review in an article entitled, "Federal Jurisdiction Over Criminal Matters Involving Indians," by Clifford Richards, appearing at 2 South Dakota Law Review 52 comments: "It is interesting to observe that federal jurisdiction based upon Indians and Indian reservations is strictly limited to the ten major crimes and that in applying the statute the Indian defendant is always given the benefit of the doubt."

In holding that the Montana state courts did not have jurisdiction over charges of forgery alleged to have occurred within the boundaries of an Indian reservation, the Montana Supreme Court in State ex rel Bokas v. District Court, 108 Mont. 37, 270 P. 2d 396 (1954), referred to the Major Crimes Act and then correctly specified, "For those lesser crimes not cognizable by Congress, the last paragraph of §1152, Title 18, U.S.A. applies."

As to offenses not specified within the Major Crimes Act, it has been held by the Supreme Court in United States v. Quiver, 241 U.S. 602 (1960), that there is no statute of the United States applicable and that an Indian engaging in such activity which may be thought objectionable by many people nevertheless does not violate any law of the United States. The court specified that the standard that must be applied is that "the relations of the Indians among themselves--the conduct of one toward another--is to be controlled by the customs and laws of the tribe, save when Congress expressly or clearly directs otherwise," and that "the enumeration in the Acts of 1885 and 1903 (Major Crimes Acts, now 18 U.S.C.A. §1153) of certain offenses as applicable to Indians in the reservations carries with it some implication of a purpose to exclude others."

The endurance and current applicability of Indian treaties has been recently specified by the Supreme Court in Menominee Tribe of Indians v. United States, 391 U.S. 404. The Menominee had been subjected to Congressional termination of their identity as a federally recognized tribe pursuant to the Termination Act of 1953. The Menominee found themselves subsequently being told that their fishing and hunting rights had been abrogated by the Termination Act.

The Treaty of 1854 to which the Menominee were a party specified that their lands were "to be held as Indian lands are held." The Supreme Court said that although it was not expressly stated, to hold lands as Indian lands are held includes the right to hunt and fish. It further held that the Termination Act could not be a backhanded way of abrogating treaty rights specifying that "the intention to abrogate or modify a treaty is not to be lightly imputed to the Congress."

On December 7, 1973, citing Menominee, supra, the Eighth Circuit retreated from a formerly adopted position and showed a renewed concern with Indian rights. In United States ex rel. Feather, et al. v. Erickson, et al., supra, the court, recognizing the lack of state jurisdiction within the confines of an Indian reservation, vacated at least ten convictions of Indians who were found guilty of various state offenses. The Eighth Circuit noted that in DeMarrias v. State of South Dakota, 319 F.2d 845 (1963), it had ruled that land within the original boundaries of the Lake Traverse Reservation should not be considered Indian country, since much of the reservation was opened for non-Indian settlements following the passage of the General Allotment Act. In DeMarrias, the Eighth Circuit specified that such non-Indian settlement within the reservation showed a Congressional intent to restore the land to public domain, thereby removing it from the category of Indian country. In its recent decision in United States ex rel. Feather, the court reversed itself, stating that recent decisions now make it clear that there have never been any clear expressions by Congress to disestablish the reservation, established by treaty as being permanent. United States ex rel. Feather forcefully presents a recent Eighth Circuit recognition that there are very real limits to criminal jurisdiction upon Indians on an Indian reservation and that further, such criminal jurisdictional authority must be clearly specified and not assumed.

In the above discussion it can be seen that criminal jurisdiction on the Oglala Sioux Reservation is appropriately within U.S. District Court only in regard to those offenses specified in the Major Crimes Act, 18 U.S.C. §1153;

and that proper criminal jurisdiction as to all other activities rests exclusively with the Oglala Sioux.

The motion of defendants for dismissal of the respective specified charges should be granted..

Respectfully submitted,

Attorneys for Defendants

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882)

FROM : SAC, LOS ANGELES (70-7311)(RUC)

SUBJECT: RUSSELL CHARLES MEANS
CIR-ARL; IMPEDING FEDERAL OFFICERS;
ET AL;

DATE: 12/20/73

Re Minneapolis airtel to San Francisco dated 10/8/73, and Los Angeles airtel to Minneapolis dated 11/30/73.

In referenced Minneapolis airtel to San Francisco lead was set out for Los Angeles to review Los Angeles Police Department (LAPD) records for disposition of robbery charge, LAPD number 467708-M, 12/19/59. Referenced airtel advised to send results attention Rapid City Command Post.

In referenced Los Angeles airtel, Los Angeles reported the results of LAPD check, stating robbery charge was dismissed on 12/21/59, by the City Attorney and MEANS was released. On 9/9/59, the complaint was determined to be unfounded, and case was referred to the City Attorney where the complaint on the robbery charge was refused by [REDACTED] [REDACTED] Also noted on the disposition section of the investigators' final report was the fact that the LAPD were unable to locate the victim.

b6
b7C

ARMED AND DANGEROUS

② - Minneapolis
1 - Los Angeles

dmp/MGR
(3)

70-6882-733

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SERIALIZED.....	FILED.....
DEC 21 1973	

b6
b7C



**REPORT
of the****FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Minneapolis (70-3882)
Re: RUSSELL CHARLES MEANS;
CIR - ARL; IFO,
BURGLARY, LARCENY
ET AL

Date: December 26, 1973
FBI File No.
Lab. No. D-731218066 IV

Specimens received 12/17/73

- Q1 Yellow sheet of ruled paper bearing hand printed message beginning "THE ACTION AND ..."
- Q2 Yellow sheet of ruled paper bearing hand printed message beginning "- DEMANDS - I. SENATOR ..." signed "Russell Means"

Result of examination:

The conclusion was reached that RUSSELL CHARLES MEANS, FBI #877277C, prepared the Means signature on Q2.

Specimens Q1 and Q2 are returned herewith. Photographs are retained.

70-6882-734



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Minneapolis (70-6882)

Date: December 26, 1973

From: Director, FBI

Re: RUSSELL CHARLES MEANS;
CIR - ARL; IFO,
BURGLARY, LARCENY
ET AL

FBI File No.

Lab. No. D-731218066 XI

OO: Minneapolis

Examination requested by: Minneapolis

Reference: Airtels dated 12/5/73 and 12/13/73

Examination requested: Document

Remarks:

Enclosures (4) (Q1, Q2, 2 Lab report)

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SERIALIZED	FILED
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FBI - MINNEAPOLIS	

ADMINISTRATIVE PAGE

70-6882-735

1/7/74

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI
(ATTENTION: IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION)

FROM: SAC, MINNEAPOLIS (70-6834) (P)

SUBJECT: DENNIS JAMES BARNES
CIE,
ET AL

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

Enclosed for the Identification Division are three sheets of legal sized paper headed "Wounded Knee, South Dakota, March 20, 1973, Statement."

For the information of the Identification Division, [redacted] was in Wounded Knee, South Dakota, between the approximate dates of March 13 until March 23, 1973, during the American Indian Movement (AIM) takeover and occupation of this village. Upon [redacted] departure from Wounded Knee, [redacted]

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[redacted] This statement was subsequently recovered by FBI Agents in a briefcase belonging to STANLEY RICHARD HOLDER.

It is requested by the Minneapolis Division that the Identification Division conduct latent fingerprint examinations of the enclosed confession in an attempt to identify fingerprints belonging to any of the six leaders:

2 - Bureau (ENC.) (RM)
3 - Minneapolis
(1 - 70-6832)
(1 - 70-6832-Sub P)

JOH:whb
(5)

736

IP 70-3864

RUSSELL CHARLES MEANS, FBI # 377 277 C

DENNIS JAMES BANKS, FBI # 118-417 D

CLYDE BELLECOUET, FBI # 643 523 B

STANLEY RICHARD HOLDER, FBI # 679 663 J7

LEONARD CROW DCG, FBI # 539 240 E

CARTER CAMP, FBI # 103 750 G

It should be noted that AUSA RICHARD D. HURD has requested this information be furnished as expeditiously as possible, as the trial of DENNIS JAMES BANKS and RUSSELL CHARLES MEANS is scheduled to commence at St. Paul, Minnesota, 1/8/74.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73

-1-

Photographs bearing the number 43 in red ink and the number 18 in pencil was observed. The figure in the photograph motioning in the general direction of the photographer is RUSSELL MEANS. MEANS appeared to be directing the individuals in the Volkswagen van to mass on the court house steps because immediately after MEANS made the motion the photograph depicts, the individuals in the van left the van and walked up the court house steps and immediately thereafter a fight broke out inside of the court house. Photos initialed and dated on the reverse side.

Interviewed on 12/21/73 at Sioux Falls, South Dakota File # 100-70-6802-739
by SA [redacted] dlb Date dictated 12/21/73

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73-1-

A photograph bearing the number 1G in red ink and the number 9 in pencil was observed. The individual with the braided hair, with the red arrow pointing towards him with the numeral one is RUSSELL MEANS. The individuals surrounding MEANS are unknown to the interviewing Agent. This photo was initialed and dated on the reverse side.

Interviewed on 12/21/73 at Pierre, South Dakotaby SA

gib

Date dictated

12/21/73

File #	MP 70-6822
12/21/73	138

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b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/26/73-1-

A photograph was observed bearing the number 47 in red ink and the number 2 in pencil on the reverse side. In the upper, left section of the photograph an Indian male standing in front of the photographer next to the pillar, wearing sunglasses, is identified as RUSSELL MEANS. The photograph was initialed and dated.

Interviewed on 12/21/73 at Pierre, South Dakota File # MP 70-6382 739

by SA [redacted] E1b Date dictated 12/21/73 H

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b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/23/73

-1-

A photograph bearing the number 5 in red ink and the number 17 in pencil was observed. The photo depicts RUSSELL MEANS walking up the front steps to the Custer County Court House shortly before a fight broke out inside of the court house. The photograph was initialed and dated on the reverse side.

Interviewed on 12/21/73 at Pierre, South DakotaFile # HP 40-6682

7140

by SA [redacted]

dlb

Date dictated

12/21/73b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73-1-

A photograph bearing the number 15 in red ink and the number 10 in pencil was observed. The individual walking toward the left of the picture who is in the center of the picture with a red arrow with the letter one pointed toward him is identified as RUSSELL LEANS. The photograph was initialed and dated on the reverse side.

Interviewed on 12/21/73 at Pierre, South Dakota File # MP 70-6082-741
by SA llb Date dictated 12/21/73

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73-1-

A photograph bearing the number 23 on the reverse side in red ink and the number 3 in pencil was observed. An Indian male standing in front of the photographer in the upper, left section of the photograph next to the pillar with sunglasses on is identified as BILL MEANS. The photograph was initialed on the reverse side and dated.

Interviewed on 12/21/73 at Pierre, South Dakota File # HP 70-6332 742

by SA dlb Date dictated 12/21/73

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b7c

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73-1-

A photograph bearing the number 14 in red ink and the number 4 in pencil was observed. The individual walking up the stairs with his head bowed, with the red arrow drawn pointing toward him with the letter one circled, is identified as RUSSELL MEANS. The photo depicts MEANS just as he was arriving at the court house at approximately 1:45 P.M. on February 6, 1973. The photo was initialed and dated on the reverse side.

Interviewed on 12/21/73 at Pierre, South Dakota File # MP 70-6882-743

by SA :llb Date dictated 12/21/73

b6
b7c

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/28/73-1-

A photograph bearing the number 62 in red ink and the number 6 in pencil on the reverse side was observed. The individual in the center of the photograph holding the flag is identified as [REDACTED] The photograph was initialed and dated on the reverse side.

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b7C

Interviewed on 12/21/73 at Pierre, South Dakota File # MP 70-6832-744

by SA [REDACTED] aib Date dictated 12/21/73

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/20/73-1-

The photograph bearing the number 11 in red ink and the number 10 in pencil was observed. The individual walking to the right of the man with the flag with an arrow pointing towards him is identified as DENNIS BANKS. The photograph depicts BANKS and the other individuals when they first arrived at the Custer County Court House at about 1:45 P.M. on February 6, 1973. The photograph was initialed and dated on the reverse side.

Interviewed on 12/21/73 at Pierre, South Dakota File # UP 70-6882-745
by EA dlb Date dictated 12/21/73 b6
b7C

MP 70-6832
JDH:dea
(1*)

By communication dated January 4, 1974, the Lutte
Division advised as follows:

On January 3, 1974, [REDACTED]

[REDACTED] Montana, advised
that they have no information to furnish the FBI and that
neither of them desire to testify.

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b7C

70-6882-747
SEARCHED
SERIALIZED
INDEXED
FILED
JAN 10 1974
FBI - BUTTE

SAC, MINNEAPOLIS (70-6882-SUB BB)

1/16/74

SA TRENTIN S. BARTFORD

WOUNDED KNEE MOTION TO
DISMISS FILED 1/9/74
RE RUSSELL MEANS AND
DENNIS BANKS

AUSA HURD, Sioux Falls, South Dakota, attorney representing the government in the trial of RUSSELL MEANS and DENNIS BANKS at St. Paul, Minnesota, furnished copy of motion filed by attorneys for MEANS and BANKS with the U. S. District Court of Sioux Falls sitting at St. Paul, Minnesota. This motion was filed on 1/9/74, and contains numerous points raised by the defense on which the defense is basing a motion to dismiss.

Mr. HURD on 1/14 and 1/15/74, advised that he had reviewed the motion and desired the persons interviewed named in the following pages of that motion:

Page 6, paragraph 1;
Page 6, paragraph 2;
Page 7, paragraphs 2 and 3;
Page 9C, paragraphs 2, 3 and 4;
Page 10, paragraph 1;
Page 10, paragraph 2;
Page 11, paragraphs 1, 2 and 3;
Page 13, paragraph 2;
Pages 14 through 16;
Page 26, paragraph 4;
Pages 56 and 57;
Page 77, paragraphs 4, 5 and 6;
Page 78, paragraphs 1 through 6;
Page 79, paragraphs 1 through 6;
Page 80, paragraphs 1 through 6

5 - Minneapolis
(1 - 70-6882-SUB D)
(1 - 70-6864)
(1 - 70-6882)

TSE:dib
(5)

ccw

70-6882-748
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H

MP 70-6832-SUB BB

It is anticipated that because of above and other demands that there will be extensive investigation required as a result of this affidavit. Therefore, the separate sub file, 70-6832-SUB BB, is being opened as a control file. Copies of the motion are being placed in 70-6864 (BANKS), 70-6832 (MEANS), 70-6832-SUB P, and 70-6832-SUB BB.

On 1/14/74, Mr. HUND advised that no decision will be made at this time by Judge FRED NICHOL, U. S. District Court of South Dakota, at St. Paul, Minnesota, regarding this motion. The USA's Office advised Judge NICHOL that the Government is not in a position to respond at this time and Mr. HUND stated he does not anticipate any action to be taken on the motion in the near future; certainly until at least after the Government rests. He is hopeful that the judge will dismiss the motion without requiring an evidentiary hearing. He stated, however, that he could not predict at this time the date of any hearing or the extent of the hearings which might be required by Judge NICHOL. He stated, however, that the court might "lean over backwards" to listen to defense arguments because of the nature of the trial. He stated that he had given the motion a " cursory" review and believed that there is little new regarding legal issues that has not been previously favorably ruled on by the court. The affidavit to dismiss is partially based on the hearings of the motions re DAVID HILL vs. ROBERT SANDE, ET AL (motions to remove cases in state court arising out of violations at Custer, South Dakota to the federal court); and for BRIM vs. WILSON (motion re legality of tribal action re barring of non-residents from Wounded Knee) ^{hearings} have been ~~not been~~ transcribed.

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription January 16, 1974

Mrs. [redacted] was interviewed at her residence [redacted] at which time she provided the following information:

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She was in Wounded Knee, South Dakota, with her family on February 27, 1973, at the time of the American Indian Movement (AIM) siege. However, she did not realize there was a problem until United States Marshals told her [redacted] to move out the next day. She and [redacted] did not leave until a week or so later and they did not return until after the siege was over.

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She had no prior knowledge of AIM plans nor did she know whether AIM was invited into the area. She did not lose anything during the siege. She did not see or hear any AIM leaders. She was not nor has she ever been an elected or appointed official of the Town Council or the Oglala Sioux Tribe. No Government or AIM people have contacted her during the past year.

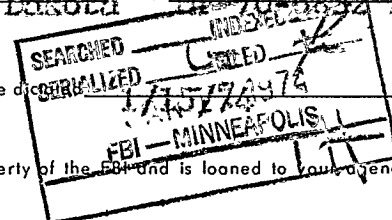
Her date of birth is [redacted]

b6
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Interviewed on 1/10/74 at Wounded Knee, South Dakota File # 112-70-6832-50 b6
b7C

by SA [redacted] /rjs Date dictated 1/15/74

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FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription January 16, 1974

On January 9, 1974, an attempt was made to interview Mrs. [redacted] [redacted] no one answered repeated knocks on the door.

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b7C

Later in the day [redacted] was contacted [redacted] and he advised his wife was at home ill and he would prefer the Federal Bureau of Investigation (FBI) not interview her.

b6
b7CInterviewed on 1/9/74by SA [redacted]

[redacted] rjs

South Dakota

70-6882-752
70-6882-321

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	
Date dictated	1/15/74

b6
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FEDERAL BUREAU OF INVESTIGATION

(1*)

Date of transcription 1/16/74

Miss [redacted] was interviewed at her residence, [redacted] at which time she provided the following information:

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She was the [redacted]
[redacted] She had no idea where her parents were. She had [redacted]

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She was in Wounded Knee, South Dakota, on February 27, 1973, when members of the American Indian Movement (AIM) sieged the village. She was not in the village, that is the trading post area, and she did not realize AIM had taken over until February 28, 1973, when U.S. Marshals at the Manderson Road Block told her father to leave. Her entire then left, date not recalled, and lived with her cousin. They did not return until the siege was over.

She had no prior knowledge of AIM plans nor did she know whether AIM was invited into the area. She lost clothing during the siege but was unable to place a dollar amount on the loss. She did not hear or see any AIM leaders. She was not then, nor was she presently an elected or appointed official of the town council or the Oglala Sioux Tribe. No one, Government or AIM, had talked to her since the siege.

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70-6882-754

Interviewed on 1/9/74 at Wounded Knee, South Dakota

by SA [redacted] dea

Date dictated

70-6882-754

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription January 16, 1974

Mrs. MARVEL MOOSE was interviewed in her residence, a small house off the right of the road to Manderson, South Dakota, approximately $\frac{1}{4}$ mile from the new Wounded Knee, South Dakota, housing project. She provided the following information:

She and her husband, CHARLES MOOSE, lived in Wounded Knee, South Dakota, on February 27, 1973, at the time of the American Indian Movement (AIM) siege. On the advice of United States Marshals, she and her husband left the village on February 28, 1973. They did not return until May 9 or 10, 1973.

She had no prior knowledge of AIM plans nor did she know whether AIM was invited into the area. Her house was broken into and everything was taken but she had no idea of the dollar amount. She did not see or hear any AIM leaders. She was not nor has she ever been an elected or appointed official of the town council or Oglala Sioux Tribe. No one, AIM or Government, had contacted her in the past year.

She was born May 18, 1908.

70-6882-755

Interviewed on <u>1/9/74</u>	at <u>Wounded Knee, South Dakota</u>	SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
by <u>SA [redacted]</u>	jmf	SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
		JAN 17 1974	
		FBI - MINNEAPOLIS	

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b7C

70-6882-P-498

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription January 16, 1974

CHARLES MOOSE was interviewed at his residence, a small house off the right of the road to Manderson, South Dakota, approximately $\frac{1}{4}$ mile from the new Wounded Knee, South Dakota, housing project. He provided the following information:

He lived in Wounded Knee, South Dakota, at his present residence, on February 27, 1973, when members of the American Indian Movement (AIM) occupied the village. He did not realize there was a problem until February 28, 1973, when United States Marshals at the Manderson road block told him to move out of the village which he and his wife, MARTHA, did. They did not return until approximately May 9 or 10, 1973.

He had no prior knowledge of AIM plans nor did he know whether AIM was invited into the area. He had his house broken into and thousands of dollars in his personal effects taken such as dishes, two watches, 12 beaded necklaces, one pair of beaded moccasins, numerous rings, one radio, one black and white television set, one clock, one record player, one percolator, one electric can opener, one toaster, one old silver dollar, one home made Sioux costume, a saddle, \$400 in tools and tires, and 42 to 44 hens. His chicken coop was also burned and his home completely broken up. He never saw any of his personal effects again. He did not see or hear any AIM people, however. He was not nor has he ever been an elected or appointed official to the town council or Oglala Sioux Tribe. No one, Government or AIM, had talked to him in the past years.

He was born on November 4, 1912.

70-682-756
70-682-756

Interviewed on 1/9/74 at Wounded Knee, South Dakota

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

by SA /jmc

Date dictated

7511

SEARCHED INDEXED
SERIALIZED FILED
APR 17 1974
FBI - MINNEAPOLIS

DO NOT DESTROY.
PENDING LITIGATION

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RAW:cmk
MP 70-6832-Sub P

(1)

The following investigation was conducted by SA RONALD A. WILLIAMS on January 9 and 10, 1974, at Wounded Knee, South Dakota:

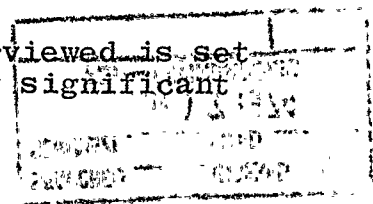
The following persons were interviewed and their interviews are set forth in FD-302s:



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None of the persons listed above have ever been members of the Tribal Council, and none were witnesses to assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals.

Damage sustained by each person interviewed is set forth in the FD-302s, if that damage was of any significant scope.



RAW:cmk
MP 70-6832-Sub P

(2)

The following persons were not interviewed because of their age:



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The following persons were not contacted because they reside with and he refused to allow access to these individuals:

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RAW:cmk

MP 70-6832-Sub P

(3)

[redacted] would not make available his [redacted]
[redacted] age unknown; therefore, no contact was
made in order to initiate an interview.

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100-4567-758

SEARCHED <u>1</u>	INDEXED <u>1</u>
SERIALIZED <u>1</u>	FILED <u>1</u>
JAN 17 1974	
FBI - MINNEAPOLIS	

[REDACTED]

[REDACTED]

[REDACTED]

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b7C

[REDACTED]

[REDACTED]

FC:cmk
MP 70-6832

(1)

The following investigation was conducted by SA [redacted] at the request of the United States Attorney's Office, Sioux Falls, South Dakota, at Wounded Knee, South Dakota, on January 9, 1974:

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b7C

The following individuals were not interviewed as requested as they are children and not in possession of information relative to this investigation:

- 1.
- 2.
- 3.
- 4.

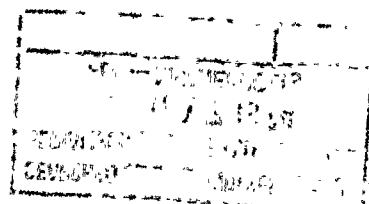


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The following individuals were not interviewed for various circumstances:

1. [redacted] not present at Wounded Knee, South Dakota, as he had left home prior to takeover, and returned after occupation.
2. [redacted] according to wife, has left her and her child and is not aware of his whereabouts.

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FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription 1/16/74

Miss [redacted] was interviewed at her residence, [redacted] at which time she provided the following information:

She was in Wounded Knee, South Dakota on February 27, 1973, when members of the American Indian Movement (AIM) seized the village. She did not see any AIM people and did not realize the village was being taken over until U. S. Marshals at the Manderson Roadblock told her to leave Wounded Knee, South Dakota on approximately February 28, 1973. She left without seeing the area of the actual siege, the Trading Post. She was unable to recall the date she left or when she returned, other than she returned after the siege was over.

She had no prior knowledge of AIM's plans nor did she know of AIM being invited into the area. She lost clothing, but could not place a dollar amount on the loss. She did not see or hear any AIM leaders. She was not nor has she ever been an elected or appointed official of the Town Council or the Oglala Sioux Tribe. No one, government or AIM, had talked to her since the siege.

[redacted]

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70-6882-759

Interviewed on 1/9/74 at Wounded Knee, South Dakotaby SA [redacted] jcsDate dictated 1/17/74

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

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FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription 1/16/74

[redacted] was interviewed at his [redacted] at which time he provided the following information:

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He lived in Wounded Knee, South Dakota on February 27, 1973, when members of the American Indian Movement (AIM) seized the village. He heard shooting during the evening of February 27, 1973, but did not realize the seriousness of the situation. On February 28, 1973, he drove through the village on his way to work, and saw two or three Indians with guns, but did not realize the takeover until Bureau of Indian Affairs (BIA) Police told him of it at the Porcupine Roadblock.

He traveled in and out a few times over the next few weeks. He had to obtain a "pass" from an AIM man, identity unknown, in order to travel in the village. He saw RUSSELL MEANS and DENNIS BANKS in the village a few times, dates not recalled, but did not hear them speak. He and his family

[redacted] finally left the village a few weeks after the siege started, date not recalled. He did not return until approximately May 9, 1973.

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He had no prior knowledge of AIM plans nor did he know whether AIM was invited into the area. He lost everything in the takeover, valued at thousands of dollars: two horses, a color television, a stereo, four rifles, serial numbers not recalled, and clothing. His house and trailer were completely destroyed, that is the damage was so great he was unable to move back in. He, as previously mentioned, saw MEANS and BANKS in the village, but did not hear them speak. He was not nor has he ever been an elected or appointed official of the Town Council or Oglala Sioux Tribe. One AIM man, name not recalled, talked to him some time ago, date not recalled; the man had a black beard. The man wanted to know whether the FBI had talked to him, and he [redacted] told the man yes. The man then wanted to know what the FBI wanted and he [redacted] told the man he was "neutral" and to go ask the FBI.

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[redacted] was then ill and he would prefer the FBI not talk to her if possible.

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b7CInterviewed on 1/9/74

South Dakota

File #

100-6832-760

by SA [redacted]

jss

Date dictated

1/11/74

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	

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MP 70-6832-P

(2)

He was born on

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FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted]
[redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

Upon the occupation of Wounded Knee by the American Indian Movement (AIM), he only resided there for one week and then left Wounded Knee. As far as he knows, the AIM was never invited to Wounded Knee, and their occupation of Wounded Knee was a complete surprise. He did recall that the AIM had been invited to Calaco, South Dakota, where a civil rights pow-wow was being held.

His house was burglarized up to the amount of \$75.00 to \$80.00.

He left Wounded Knee one or two weeks after the beginning of the occupation. At no time has he spoken with any of the AIM leaders. He has no information regarding assaults on United States Marshals or Federal Bureau of Investigation (FBI) Agents, or the use or production of molotov cocktails.

70-6882-261

1/9/74 Pine Ridge, South Dakota

Interviewed on

at

File #

MP 70-6882-Sub-P-507

by SA RONALD A. WILLIAMS/cmk

Date dictated

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

FEDERAL BUREAU OF INVESTIGATION

1

January 15, 1974

Date of transcription

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[redacted]
[redacted] South Dakota, subsequent to the identification of the interviewing Agent, furnished the following information:

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[redacted] advised that she left her residence with [redacted]

[redacted] South Dakota, on February 27, 1973, to stay with [redacted] South Dakota.

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[redacted] stated that she was aware that the American Indian Movement (AIM) had started all the trouble at the Trading Post, and that is the reason she left. [redacted] went on to state that she left her house with only the clothes on her back.

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According to [redacted] when she returned to her residence on May 14, 1973, she discovered that her house had been broken into and ransacked, and several personal items of property were stolen.

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[redacted] advised that several items of clothing, furniture, and food were stolen. [redacted] stated that she would estimate the value of the loss at \$500.00.

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b7C

[redacted] stated she would testify in Federal Court as to her statement.

The following physical description was obtained through observation and interview:

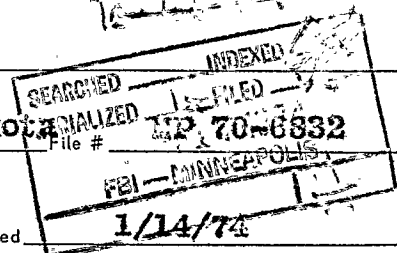
Name	[redacted]
Race	Indian
Sex	Female
Date of Birth	[redacted]
Place of Birth	[redacted] South Dakota
Height	5'
Weight	110 pounds
Hair	Black/Gray
Eyes	Brown

b6
b7C

Interviewed on 1/9/74 at Wounded Knee, South Dakota

by SA [redacted] /cmk

Date dictated

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1January 15, 1974
Date of transcription

[redacted]
[redacted] South Dakota, subsequent to the identification of the interviewing Agent, furnished the following information:

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b7C

[redacted] stated she was [redacted]
[redacted] South Dakota, on the day the American Indian Movement (AIM) members had taken over Wounded Knee, South Dakota. According to [redacted] she left Wounded Knee, South Dakota, [redacted]
[redacted] Upon leaving Wounded Knee, South Dakota, [redacted] stated that she left her [redacted]
[redacted] valued at \$195.00, at the [redacted] residence.

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b7C

[redacted] went on to state that she had left all of her property at the [redacted] residence, and when she returned, all of her possessions were either damaged or stolen. The vehicle, according to [redacted] had been stripped and the windows smashed.

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b7C

[redacted] stated that she did not want to testify.

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b7C

The following physical description was obtained through observation and interview:

Name	[redacted]
Race	Indian
Sex	Female
Date of Birth	[redacted]
Place of Birth	South Dakota
Height	5'7"
Weight	140 pounds
Hair	Black
Eyes	Brown

b6
b7C

Interviewed on 1/9/74 at Wounded Knee, South Dakota File # MP 70-6882
by SA [redacted] /cmk Date dictated 1/14/74
[redacted] 76-6882-763
76-6882-763

b6
b7C

SEARCHED	INDEXED
SERIALIZED	FILED
1/14/74	
FBI - MINNEAPOLIS	

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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b7C

[redacted]
[redacted] was advised of the identity of the interviewing Agent, at which time he advised the interviewing Agent that he would not consent to be interviewed; and therefore, this interview was immediately terminated.

Interviewed on 1/9/74 at Pine Ridge, South Dakota
by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

70-6882-964
SEARCHED INDEXED
SERIALIZED FILED
JAN 17 1974
FBI - MINNAPOLIS
70-6883-Sub P-510

DO NOT DESTROY
PENDING LITIGATION

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription _____

[redacted] who resides in [redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

b6
b7C

He resides with his [redacted] in [redacted]

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During the Wounded Knee occupation, their home sustained soot damage from a stove operated by the militant occupants of their home. He noted that after the first week of the occupation, he and his family left Wounded Knee, and at no time have they talked to any of the American Indian Movement (AIM) leaders nor have they been in contact with any of their attorneys and have been subject to no intimidation.

76-1882-765

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P-511

by SA RONALD A. WILLIAMS/cmk

Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 15, 1974

Date of transcription _____

[redacted]
 South Dakota, subsequent to the identification of the interviewing Agent, furnished the following information:

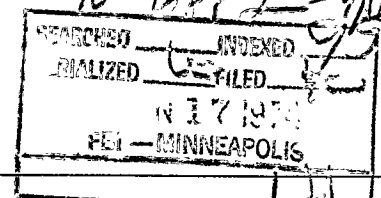
[redacted] advised that she was living with [redacted] when all the trouble started with the American Indian Movement (AIM) in Wounded Knee, South Dakota. According to [redacted] also left with her, and that [redacted] had left home before everything happened.

[redacted] stated that when she returned home after Wounded Knee was all over, she had lost all of her things, such as clothes and a few personal items.

[redacted] stated that she would not testify in Federal Court.

The following physical description was obtained through observation and interview:

Name	[redacted]
Race	Indian
Sex	Female
Date of Birth	[redacted]
Place of Birth	[redacted] South Dakota
Height	5'5"
Weight	125 pounds
Hair	Black
Eyes	Brown



Interviewed on 1/9/74 at Wounded Knee, South Dakota File # MP-70-6832
 by SA [redacted] /cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1January 16, 1974
Date of transcriptionb6
b7C

[redacted]
[redacted] South Dakota, was advised of the identity of the interviewing Agent, at which time she refused to submit to any interview; and therefore, that interview was terminated.

70-6832-768

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

HP 70-6832-Sub P - 514

Interviewed on 1/9/74 at Pine Ridge, South Dakota

by SA RONALD A. WILLIAMS/cmk

Date dictated 1/14/74

DO NOT DESTROY
PENDING LITIGATION

FEDERAL BUREAU OF INVESTIGATION

January 16, 1974
Date of transcriptionb6
b7C

1
[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

At the time that the American Indian Movement (AIM) occupied Wounded Knee, she and her family were residing in [redacted] South Dakota. After the first week of the occupation, she and her family evacuated [redacted]

b6
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Their home was not subjected to any notable damage or burglarizing. During the week that she was at Wounded Knee during the beginning of the occupation, she did not speak with any of the AIM leaders, did not witness any assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, and has no knowledge of the use or production of molotov cocktails.

Since returning to Wounded Knee, she has not been intimidated nor contacted by any of the AIM attorneys or their staff.

She could furnish no further information.

70-6832-769

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - WASHINGTON	

File # MP 70-6832-Sub P - 575

Interviewed on 1/10/74 at Pine Ridge, South Dakota
by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted]
[redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

At the time of the beginning of the occupation of Wounded Knee by the American Indian Movement (AIM), he lived with [redacted] but that they left Wounded Knee after the first week. Upon returning, he found that their home, [redacted]
[redacted]

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He at no time spoke with any of the AIM leaders, and since returning to Wounded Knee, has not spoken with any of the legal staff for the AIM leaders. He has not been intimidated by any of the AIM attorneys or other staff, and has no information regarding assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, or the production and use of molotov cocktails.

He could furnish no further information.

70-1482-770

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 22 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted]
South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

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Prior to the occupation of Wounded Knee by the American Indian Movement (AIM), she resided in [redacted]. After the first week of the occupation, she and her family left Wounded Knee. Upon returning, she learned that [redacted].

During the week that she was at Wounded Knee during its occupation, at no time did she speak with any of the AIM leaders, and since returning to Wounded Knee, has not spoken with any of the leaders or their attorneys.

At no time has she been intimidated by any of the AIM legal staff or members. She has no information regarding the assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, nor does she have any information regarding the use or production of molotov cocktails.

She had no other information.

70-6832-5771

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P-517

by SA RONALD A. WILLIAMS/crk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

January 16, 1974

Date of transcription

[redacted] who resides with [redacted]

[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

One week after the beginning of the occupation of Wounded Knee by the American Indian Movement (AIM), she and her family left Wounded Knee, and at no time has she talked with the leaders of the AIM, nor has she been witnessed to any assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, nor does she have any knowledge of the use or production of molotov cocktails.

As far as she and her family know, the AIM was not invited to Wounded Knee, and the occupation of Wounded Knee was a complete surprise.

Since returning to Wounded Knee, she has not been contacted by, nor intimidated by, any of the AIM leaders or their staff.

She could furnish no further information.

70-6832-772

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/10/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P 518

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

[redacted]
[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

At the time of the beginning of the occupation of Wounded Knee by the American Indian Movement (AIM), he and his family lived in the [redacted] That [redacted] but no other damage was noted. He and his family will reside in [redacted]

At no time during the occupation did he speak with any of the leaders of AIM.

He was not aware of any invitation by any person or group extended to AIM, and their occupation of Wounded Knee was a complete surprise to him.

He was advised by AIM attorneys not to talk to any Federal Bureau of Investigation (FBI) Agents, and that should any FBI Agents attempt to talk to him, that he was to report it to the Wounded Knee Offense-Defense Committee.

He resides in [redacted]
[redacted]

All of the children except [redacted]

[redacted] has never been a member of the Tribal Council, and has no knowledge of the preparation or use of molotov cocktails.

70-6832-773

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

HP 70-6832-Sub-P-519

Interviewed on 1/9/74 at Pine Ridge, South Dakota

by SA RONALD A. WILLIAMS/cmk

Date dictated 1/14/74

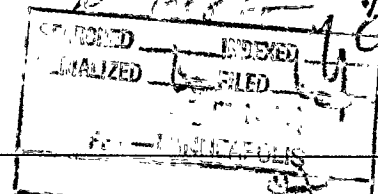
FEDERAL BUREAU OF INVESTIGATION

1January 16, 1974
Date of transcription

[redacted]
[redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

She and her husband were residing in the [redacted] [redacted] at the time of the takeover and occupation, but during that time did not speak with any of the leaders of the American Indian Movement (AIM), and were not witnesses to any assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals. She has no knowledge regarding the use or production of molotov cocktails, nor any information which would indicate that the AIM had been invited or that there had been any advance knowledge of the takeover.

Her family's loss during the takeover and occupation was minor in scope. She could not furnish any further information.



Interviewed on 1/10/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted]
[redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

During the takeover and occupation of Wounded Knee by the American Indian Movement (AIM), he and his family sustained only minor damage and loss. They resided at Wounded Knee only during the first week of the occupation, and were evacuated thereafter. At no time during their stay at Wounded Knee during the occupation, did they speak with any of the leaders of the AIM, were not witnesses to any assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, and have no knowledge regarding the production or use of molotov cocktails.

Since their return to Wounded Knee, they have not been contacted by, nor intimidated by, any of the AIM attorneys or their staff.

He could furnish no further information.

72-1532-725

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 16 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/10/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P-52

by SA RONALD A. WILLIAMS/emk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted] at [redacted]
[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

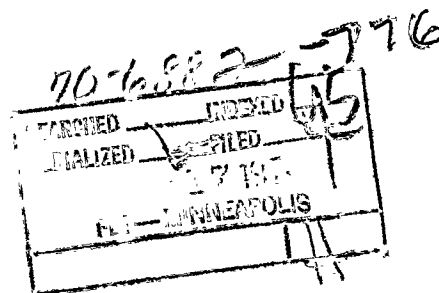
At the time of the beginning of the occupation of Wounded Knee by the American Indian Movement (AIM) militants, she was [redacted] Trading Post store.

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To her knowledge, the AIM members were not invited to Wounded Knee and the occupation of Wounded Knee was not expected. She became aware of the takeover when they broke into the Trading Post store across the street [redacted]. After one week, she left Wounded Knee, and upon returning, found that her [redacted]

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At no time has she spoken with any of the AIM leaders or been approached by any of the AIM attorneys. She has not been subjected to any intimidation by any AIM members.



Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P-522

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

[redacted]
South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

One week after the beginning of the occupation of Wounded Knee by the American Indian Movement (AIM), he and his [redacted] left Wounded Knee.

His home was burglarized during the occupation of his personal belongings.

At no time during his stay at Wounded Knee during the occupation, which was approximately one week in duration, did he speak with any of the AIM leaders. He has not been intimidated by any of the AIM members nor has he been contacted by any of the attorneys for the Wounded Knee Offense-Defense Committee.

He has no information regarding assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, nor does he have any information regarding the use or preparation of molotov cocktails. He has never been a member of the Tribal Council at Wounded Knee or Pine Ridge. To his knowledge, the AIM was not invited to Wounded Knee, nor did he have any prior knowledge that the occupation was eminent.

45-6882-777

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 22 1974	
FBI - MINNEAPOLIS	
File #	MP 70-6832-Sub P

Interviewed on 1/9/74 at Pine Ridge, South Dakota

by SA RONALD A. WILLIAMS/emk

Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1January 16, 1974
Date of transcription _____

[redacted]
[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

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She resides in [redacted]
[redacted] and resided with them at the time of the Wounded Knee occupation by the American Indian Movement (AIM).

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After the first week of occupation, she, her son, and the children left Wounded Knee, and at no time has she talked to any of the leaders of AIM nor has she or the children or her son been the object of any intimidation.

[redacted] utilized by occupying militants during the Wounded Knee occupation.

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70-6832-778

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

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[redacted] South Dakota, was advised of the identity of the interviewing Agent, at which time [redacted] advised the interviewing Agent that any information that would be available could be obtained from his attorney, MARK LANE.

[redacted] refused to talk to the interviewing Agent and also refused to make available for interview the following individuals who reside with him. He also stated that these individuals did not desire to speak to anyone from the Federal Bureau of Investigation.

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In view of the above, Agent terminated attempt to interview persons listed above.

70-6832-779

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6832-Sub P-505

by SA RONALD A. WILLIAMS/cmk

Date dictated 1/14/74

DO NOT DESTROY
PENDING LITIGATION
CA-750271

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

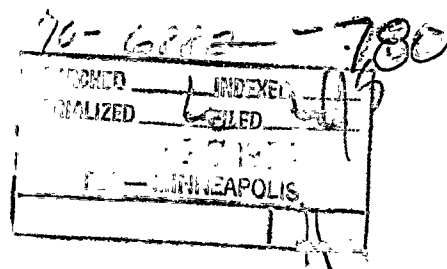
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[redacted] South Dakota, was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

After the American Indian Movement (AIM) occupied Wounded Knee, he and his family were evacuated. It was approximately one week after the initial occupation that he and his family left Wounded Knee; and during their stay there, did not talk with any of the leaders of the AIM, and he did not witness any assaults on Federal Bureau of Investigation (FBI) Agents or United States Marshals, has no knowledge of the use or production of molotov cocktails, and has no knowledge of the AIM ever being invited to Wounded Knee, and had no advance knowledge of the occupation.

He and his family sustained an insignificant amount of damage and loss of property during the takeover and occupation of Wounded Knee.

He could furnish no further information.



Interviewed on 1/10/74 at Pine Ridge, South Dakota File # 70-688-Sub P-581

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

January 16, 1974

Date of transcription

[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time he furnished the following information:

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He resides in the [redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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b7C

He and his family left Wounded Knee after the first week of occupation, and at no time, spoke with any of the leaders of the American Indian Movement (AIM). His family has not been subject to any intimidation and has not been in contact with any of the attorneys from AIM.

70-6332-781

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 17 1974	
FBI - MINNEAPOLIS	

Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-6332-Sub P-

507

by SA RONALD A. WILLIAMS/cmk Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

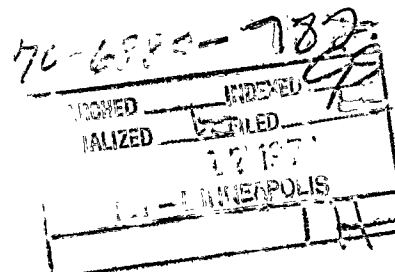
1January 16, 1974
Date of transcription

[redacted]
[redacted] was advised of the identity of the interviewing Agent and the purpose of the interview, at which time she furnished the following information:

At the time of the occupation of Wounded Knee, she had a [redacted] Trading Post, [redacted] and her personal belongings had been taken. [redacted] had left Wounded Knee after the first week of the occupation. His house was [redacted] which is where she stayed throughout the duration of the occupation. At no time did she speak with any of the American Indian Movement (AIM) leaders, nor at any time was she intimidated.

She has not spoken with any of the AIM associated attorneys.

She recalled that her [redacted]
[redacted]



Interviewed on 1/9/74 at Pine Ridge, South Dakota File # MP 70-3332-Sub D

by SA RONALD A. WILLIAMS/cak Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 1/14/74	INVESTIGATIVE PERIOD 12/6/73 - 1/8/74
TITLE OF CASE RUSSELL CHARLES MEANS, aka		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>	TYPED BY dea
CIR - Burglary and Larceny; ARL- Impeding Federal Officers; AFO; Conspiracy; Unlawful Possession of Firearms			

b6
b7CREFERENCE

Minneapolis nitel dated 12/10/73.
Bureau airtel to Minneapolis dated 12/21/73.
Minneapolis report of SA dated 12/21/73.

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- P -

ADMINISTRATIVE

Previous reports in this matter are referenced in the first paragraph of the details at the request of the United States Attorney, Sioux Falls, South Dakota.

It is to be noted that the investigative period of this report predates that of referenced report due to the fact that investigation not previously available has been completed.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	<input checked="" type="checkbox"/> RECOVERIES			
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED	<div style="border: 1px solid black; width: 100px; height: 50px;"></div>				SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE							
4 - Bureau (176-2401) 1 - USA, Sioux Falls, South Dakota ③ - Minneapolis (2 - 70-6882) (1 - 70-6864) <i>dea</i>						<div style="font-size: 2em; font-weight: bold;">70-6882-783</div>	
Dissemination Record of Attached Report							
Agency						<div style="border: 1px solid black; width: 350px; height: 80px;"></div>	
Request Recd.							
Date Fwd.							
How Fwd.							
By							

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MP 70-6882

It is to be noted that this report and referenced report include all interviews of Government personnel involved in policy making decisions pertaining to the Wounded Knee occupation which had been requested by the United States Attorney.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Sioux Falls, South Dakota

Report of:
Date: January 14, 1974

Office: Minneapolis, Minnesota

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Field Office File #: 70-6882

Bureau File #: 176-2401

Title: RUSSELL CHARLES MEANS

Character: CRIME ON INDIAN RESERVATION-BURGLARY AND LARCENY; ANTI-RIOT LAW-
IMPEDING FEDERAL OFFICER; ASSAULTING FEDERAL OFFICER; CONSPIRACY;
UNLAWFUL POSSESSION OF FIREARMSSynopsis: Representatives of the Department of Justice, Public
Information Office, Department of the Interior, former United
States Attorney General, RICHARD KLEINDIENST, present and
former members of Congressman JAMES ABDNOR'S staff, staff
member of Senator ABOUREZK, and FBI who were at Wounded Knee,
South Dakota, between February 28, 1973, and May 8, 1973,
were interviewed regarding the implementation of policies
during the occupation as well as their observations during
the occupation. ARMED AND DANGEROUS.

- P -

MP 70-6882

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Interview with Special Agent in Charge FBI, Minneapolis, Minnesota	4
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Interview with Department of Interior Personnel	10-11
Interview with Senator ABOUREZK Staff Member	12-14
Interview with Congressman ABDNOR Staff Members	15-18

MP 70-6882

DETAILS

Reference is made to Minneapolis report of SA [redacted] dated May 18, 1973; Minneapolis reports of [redacted] dated August 3, 1973, September 19, 1973, October 20, 1973, November 13, 1973, and November 16, 1973; Minneapolis report of SA [redacted] dated November 22, 1973; and Minneapolis report of SA [redacted] dated December 21, 1973.

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FEDERAL BUREAU OF INVESTIGATION

1Date of transcription December 21, 1973

I recall that during the early morning hours of February 28, 1973, I asked the Superintendent of the Pine Ridge Indian Reservation, STANLEY LYMAN, to see if he could have a plane available for me at dawn in order that I could check the area at that time. He was able to make this arrangement; and, shortly after dawn, on February 28, 1973, WILLIAM HALL of the U. S. Marshal's Service joined me in flying over Wounded Knee in a private aircraft. Prior to boarding the aircraft, I believe someone told me that an airplane used by a representative of the media had attempted to fly low over Wounded Knee, and the airplane was shot at. Accordingly, I cautioned the pilot of our airplane to fly at a sufficient height so we would not be hit by small arms fire.

Sometime later that day, after returning to the Command Post at Pine Ridge, I believe someone mentioned to me that there were rifle shots fired from within Wounded Knee at the airplane that I was using. I do not know who told me this, nor do I know the basis for this statement. To my knowledge, there were no bullet holes in the airplane.

Interviewed on 12/21/73 at Minneapolis, Minnesota File # MP 70-6832
by SAC JOSEPH H. TRIMBA/H/jwh Date dictated 12/21/73

- 4 -

FEDERAL BUREAU OF INVESTIGATION

Date 1/2/74

On December 27, 1973, [redacted] was interviewed concerning her knowledge of activities at Wounded Knee, South Dakota. [redacted]

[redacted] Brown Adjusters, 545 Sansome Street, San Francisco, California, and resides at [redacted]

California. After being advised of the identities of the interviewing Agents, she furnished the following information:

[redacted] advised during the period of insurgency at Wounded Knee she was a [redacted] Senator JAMES G. ABOUREZK, Democrat, South Dakota. On the Friday in February, 1973, following the occupation of Wounded Knee, she flew to Wounded Knee, South Dakota, to meet with the Indians occupying the hamlet at Wounded Knee. Senator ABOUREZK, Senator GEORGE MC GOVERN, and Dr. KARL MARCY of the Senate Foreign Relations Committee were also at Wounded Knee that day. [redacted] and the others met with the Indians in the hamlet and participated in a prayer meeting with them. Following the prayer meeting, the Indians presented a list to the Senators outlining their grievances concerning such topics as lack of law and order on the reservation, inadequate training for Bureau of Indian Affairs policemen, problems with easements and rights of way, and other concerns of the Indian people.

A large group of Indians were present at the above described gathering. [redacted] recalled that DENNIS BANKS, RUSSELL MEANS, PADRO BISSETTO, LEONARD CROW DOG, and VERNON LONG participated in the discussion on this occasion, together with others whose identity she did not recollect. None of these individuals identified themselves as leaders or organizers but simply acted as spokesmen for those presenting the grievances. Following this gathering, [redacted] and Senator ABOUREZK returned to Washington, D.C.

On 12/27/73 [redacted] California File # SF 176-198

by SA [redacted] SA [redacted] mbw Date dictated 1/2/74

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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SE 176-198

[redacted] mbw

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[redacted] advised one day later, on a Sunday, she returned to Wounded Knee without Senator ABOUREZK to [redacted] him in further meetings with the Indians. She participated in various meetings with the Indians on Monday, Tuesday, Wednesday, and Thursday of the following week. She recalled that DENNIS BANKS, RUSSELL MEANS, CARTER CAMP, and LEONARD CROW DOG were present at most of these meetings. At no time did any of the individuals identify themselves to [redacted] as being in a leadership position. They appointed RAMON ROUBIDEAUX, an attorney with the Native American Rights Fund as spokesman for the group.

At no time did [redacted] assume the role of [redacted] as Senator ABOUREZK's [redacted] the grievances of the Indians and [redacted] to them. At one point [redacted] remarked to the Indians that she was sympathetic with the legitimate complaints of the Indian people, but did not believe violation of law was a proper course of action for redress of grievances.

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[redacted] advised that it was common to see weapons at the hamlet and many Indians were carrying weapons on their person. She recalled that one of the Indians who participated in meetings with her wore a revolver on his hip. She believed this Indian was LEONARD CROW DOG but could not be positive. She would be able to identify this person if she saw him again. Others at the meetings may have carried weapons with them although [redacted] stated that she could not be positive. She explained it was so common to see weapons that she took no particular notice of them or who was carrying them.

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[redacted] had no knowledge of how orders were issued limiting access to Wounded Knee and stated she learned by word of mouth that the general public was

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SE 176-198

[redacted] mbw

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being denied access to Wounded Knee. She took no part in official policy decisions at Wounded Knee.

[redacted] concluded by advising she had taken [redacted] with the Indians at Wounded Knee. These [redacted] are at the Washington, D.C. office of Senator ABUREZK.

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FEDERAL BUREAU OF INVESTIGATION

(1*)

Date of transcription 1/8/74

[redacted] was interviewed at the Rapid City, South Dakota, Office of Congressman JAMES ABDNOR, 507 Kansas City Street. [redacted] was apprised of the identity of the interviewing Agent and was told he was being contacted with the permission of Congressman ABDNOR concerning his observations at Wounded Knee, South Dakota, during the first part of 1973.

[redacted] related that he was never in Wounded Knee itself. He made approximately three trips to Pine Ridge, South Dakota. The first time was to accompany ED MC GAA from Minneapolis, Minnesota. He related that MC GAA was formerly from the Pine Ridge area and was sent to Wounded Knee in a mediator capacity. When MC GAA arrived in Rapid City, he was flown directly to Pine Ridge by National Guard helicopter. The second day when he returned, [redacted] accompanied him to Pine Ridge. They spoke with officials in Pine Ridge and then went to the Marshal's roadblock outside Wounded Knee. After conferring with Marshals and FBI Agents at the roadblock, MC GAA entered Wounded Knee but [redacted] chose to remain at the roadblock and eventually returned to Rapid City.

To the best of [redacted] recollection, the first time he was at Pine Ridge was the day ANGELA DAVIS also attempted to enter Wounded Knee. On his two subsequent visits to Pine Ridge, he always returned to Rapid City the same day.

After referring to his datebook, [redacted] advised the only definite day he had noted for visiting Pine Ridge was on March 23, 1973, at which time he felt he had accompanied Congressman ABDNOR. [redacted] advised that while in Pine Ridge, he would confer with STANLEY LYMAN, DICK WILSON, and the Head of the Interior Department from Washington, D.C., who was in Pine Ridge.

Interviewed on 1/2/74 at Rapid City, South Dakota File # MP 70-6832 Sub

by SA [redacted] Date dictated 1/4/74

- 15 -

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription January 9, 1974

MELVIN EDWARD MC GAA, 1819 West Old Shakopee Road, Apartment 302, telephone number 881-0670, was interviewed regarding his knowledge of the negotiations which took place at Wounded Knee, South Dakota, during the armed confrontation between Federal Officers and militant Indians and supporters. MC GAA advised that he is presently employed as the Deputy Director of the Human Rights Department, City of St. Paul, located in Room 515, St. Paul City Hall, 15 West Kellogg Street, St. Paul, Minnesota, telephone number 298-4288.

MC GAA was informed of the identity of the interviewing Agents and that he was to be interviewed regarding the facts surrounding his involvement with these negotiations. He was also advised by Special Agent [REDACTED] that this interview was being conducted at the request of the United States Department of Justice and had been cleared through Congressman JAMES ABDNOR of South Dakota.

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MC GAA advised that he kept no records as to the dates of his travel or a diary as to what transpired while he was at Wounded Knee, South Dakota. He advised that he would cooperate and supply this information to the best of his recollection.

MC GAA stated that in March, 1973 he was employed by the St. Paul City Prosecutor's Office. He stated that he was personally contacted by Congressman ABDNOR and requested by him to go to Wounded Knee, South Dakota, and attempt to aid in the negotiations between the Federal Government and the militant Indians. He stated that this request was discussed with Mayor COHEN of St. Paul and he, MC GAA, was given a leave of absence. MC GAA advised that the reason that this request was made by ABDNOR was that he, MC GAA, was born and raised in the Pine Ridge Reservation area and that he was well respected by the Indian people.

MC GAA advised that he does not recall the exact date that he went to Wounded Knee, but he believes it to be in early March when the roadblocks were being removed by the Federal authorities. He stated that he arrived in Rapid

Interviewed on 1/8/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

SA [REDACTED]
SA [REDACTED]

wkb

Date dictated: 1/9/74b6
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MP 70-6832-Sub P
(2)

City by plane and was flown to the Pine Ridge Reservation by an Air National Guard helicopter. He advised that when he arrived at Pine Ridge, South Dakota, he met several officials of the Bureau of Indian Affairs (BIA), including [REDACTED] and that he eventually entered Wounded Knee that same evening. He advised that he entered by automobile and that the other occupants of this vehicle were attorneys RAMON ROUBIDEAUX, DOUG HALL, and MARIO GONZALES. MC GAA advised that he observed a meeting attended by these attorneys and DENNIS BANKS, CARTER CAMP, and several Indians who were unknown to him.

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He advised that this meeting took place in a home southeast of the Trading Post. He advised that he, himself, took no part in the discussion. He advised that the meeting lasted for one hour and that after the meeting he was driven to Rapid City, South Dakota.

MC GAA advised that he returned to Wounded Knee, South Dakota, the following day with attorneys [REDACTED] of Rapid City, South Dakota, and WILLIAM KUNTSLER. He stated that he attended a meeting between these attorneys and RUSSELL MEANS, CARTER CAMP, DENNIS BANKS and several Indians who were unknown to him. He advised that at both this meeting and the meeting held on the previous evening the individuals involved were discussing the situation concerning the roadblocks and the occupation in a rational manner. MC GAA stated that later on in the day both the Federal Authorities and the militant Indians lifted the roadblocks surrounding Wounded Knee.

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MC GAA advised that he left Wounded Knee after these roadblocks were lifted for a short period of time and returned there later in the day. He advised that from there he was driven to Rapid City, where he flew back to St. Paul, Minnesota.

MP 70-6832-Sub P

(3)

MC GAA advised that while he was at Wounded Knee he observed very little physical destruction. He stated that the only destruction that he recalls was that the fence surrounding the Trading Post was broken. He also advised that he did not see any fortifications but he added that he was sure they were there. He advised that the only weapons that he recalled seeing were a shotgun and several .22 caliber rifles. He also advised that while he was there he recognized the following individuals:

RUSSELL MEANS
DENNIS BANKS
CARTER CAMP
LEONARD CROW DOG
CLYDE BELLECOURT
FRANK FOOLS CROW
MILO GOINGS

He also observed many Indians whose identities were unknown to him.

MC GAA advised that this information was the best that he could recall at this point in time and that if he were to recall anything else which he felt would be pertinent, he would contact the Federal Bureau of Investigation.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/17/74-1-

[redacted]
was contacted at the [redacted]
[redacted] South Dakota, and was advised of the official identities
of the interviewing Agents, as well as the nature of the interview
by Special Agent (SA) [redacted]. She furnished the following infor-
mation:

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At the time of the takeover of Wounded Knee, South
Dakota, on February 27, 1973, she was living with [redacted]
[redacted]
[redacted]

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She also stated that she had no prior knowledge of the
takeover of Wounded Knee and that she could furnish no informa-
tion whatsoever pertaining to explosive devices of any type, nor
did she see or talk to any of the six leaders during the occupa-
tion.

She stated that she stayed away from the occupied area
during the 71 days the hamlet was occupied by member of the
American Indian Movement (AIM).

She then advised that she could furnish no further
information and the interview was terminated.

Interviewed on 1/9/74 at Wounded Knee, SD File # LD 70-6332

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by SA [redacted] JH Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/17/741

[redacted] was contacted at the [redacted]
[redacted]
[redacted] was advised of the official identities of the interviewing Agents, and the nature of the interview by Special Agent (SA) [redacted]. She then furnished the following information:

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[redacted]
[redacted]
[redacted] at the time of the takeover on February 27, 1973, and that they stayed there until about March 8, 1973, at which time they [redacted] South Dakota, where they remained until the occupation of Wounded Knee ended.

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Mrs. [redacted] further advised that neither she nor her husband could furnish any information whatsoever pertaining to the takeover because of the fact that they [redacted] as well as the fact that they were not living in Wounded Knee for the majority of the time it was occupied.

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She did advise that upon their return home, they discovered one window broken and a few things scattered around inside the house, but that nothing was taken.

Neither she nor her husband have ever been an elected official or member of Wounded Knee Town Council.

Interviewed on 1/9/74 at Wounded Knee, SD File # MP 70-6332

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SA [redacted]
by SA [redacted]

dlb

Date dictated 1/14/74

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 1/18/74

On January 8, 1974, MATTHEW HIGH PINE, Wounded Knee, South Dakota, advised he was in Wounded Knee, South Dakota, the first two days of the takeover by American Indian Movement (AIM) extremists, [redacted] left for Pine Ridge, South Dakota.

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He advised that the AIM people moved his furniture into a bunker, and all in all, he lost his furniture, dishes, food and clothing during the occupation. He also pointed out several bullet holes in the walls of his home which he advised were received from U.S. Marshal positions during fire fights. He advised that his wife BESSIE, had a two room house close to this one, and the wall boards and interior were all torn up by the AIM Indians. He believes they used the wood for firewood in the bunkers. Her wood stove in the above house was also removed and taken to a bunker. HIGH PINE advised that after the occupation was over, the bunkers were bulldozed over and his furniture was destroyed as a result of this.

HIGH PINE advised that he had no prior knowledge that Wounded Knee, South Dakota, was to be occupied by AIM.

Concerning leaders of AIM in Wounded Knee, South Dakota, during the occupation by the AIM insurgents, HIGH PINE advised he observed RUSSELL MEANS sleeping in a tent close to the Catholic Church on the morning after the takeover, but did not talk to him.

HIGH PINE advised that several days prior to February 27, 1973, he was at an Oglala Sioux Tribal Council meeting and at this meeting, RUSSELL MEANS requested to bring his group on the Pine Ridge Reservation.

HIGH PINE told MEANS they could come on the reservation if there would be no violence. MEANS promised there would be no violence, and was told that he and his group could come in; however, MEANS did not say when they would arrive.

Interviewed on 1/8/74 at Wounded Knee, South Dakota File # 102 70-6332 SubP

SAs [redacted] and
by [redacted] rjt Date dictated 1/14/74

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70-6332-786

2
HP 70-6332 Sub P

Following the takeover by AIM Indians, HIGH PINE saw DENNIS BAKES, at which time on that morning, he asked BAKES if he could be allowed to go to White Clay, Nebraska, and purchase provisions. BAKES told him he would get an escort to go to the Marshal road blocks with him. BAKES talked to the U.S. Marshals at the road blocks, and [redacted] escorted him out of Wounded Knee. HIGH PINE advised that at the time of the above occurrence, he did not know DENNIS BAKES, but recognized him from newspaper photographs later on.

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HIGH PINE advised that three or four days after RUSSELL MEANS came back from Washington, D.C., he attended a meeting for Wounded Knee residents at the Tipi Church in Wounded Knee, at which time LEONARD CROW DOG conducted the meeting. RUSSELL MEANS was also present at the meeting.

HIGH PINE advised he is not knowledgeable of any molotov cocktails or explosive devices having been in Wounded Knee during the occupation by AIM Indians.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 1/13/74

On January 8, 1974, BESSIE HIGH PINE, Wounded Knee, South Dakota, advised that as a result of the takeover of Wounded Knee by American Indian Movement (AIM) Indians, she lost a two room house which was torn up and used as firewood in the Indian bunkers. They also put her furniture, wood stove, cooking utensils, bedding and food in the bunkers, and after the occupation was over, the Government people bulldozed the bunkers over and buried it all.

BESSIE HIGH PINE pointed out several bullet holes in her present residence which she stated were received from U.S. Marshals during fire fights. She stated that she was in her house during the entire occupation, and was present when the bullets came through the walls.

She advised that she did not observe or talk to any leaders of AIM, and had no prior knowledge that Wounded Knee was to be occupied by force. She stated that she was not knowledgeable of molotov cocktails or explosive devices in Wounded Knee.

Interviewed on 1/8/74 at Wounded Knee, South Dakota File # 70-68325 Sub D

SAS

and
ritby _____ Date dictated 1/14/74b6
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UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 12/28/73

FROM : SA [REDACTED]

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SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY; LARCENY;
ARL; AFO; UPOF

OO: MINNEAPOLIS

Re memo of SA [REDACTED], dated 8/11/73.

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Attached for investigative assistance are 93 photographs.

For information of lead Agent, SA [REDACTED] and Agent [REDACTED] South Dakota Division of Criminal Investigation, were present on the second floor of the Custer County Court House, on 2/6/73, when a disturbance took place involving members of the American Indian Movement (AIM). Agents [REDACTED] took the attached 93 photographs of the incident from the second floor window of the front right side of the building. The referenced memo requested that SA [REDACTED] and Agent [REDACTED] review the attached photographs in an effort to identify additional subjects that were present at the Custer County Court House, Custer, South Dakota, on 2/6-7/73. SA [REDACTED] reviewed the attached photographs and the results of that review are contained in FD-302.

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On 12/21/73, Agent ROL KEBACH, Chief Agent, South Dakota Division of Criminal Investigation, advised that Agent [REDACTED] is currently residing and is stationed at Redfield, South Dakota.

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LEAD

MINNEAPOLIS

AT REDFIELD, SOUTH DAKOTA

Will contact Agent [REDACTED] and display attached photographs to him in an effort to identify additional subjects that were present at the Custer County Court House, Custer County, South Dakota, on 2/6-7/73.

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2 - Minneapolis
dlb

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